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THE TRIALS

OF THE

Rev. ROBERT BINGHAM,

Curate of Maresfield, in Sussex,

ON A CHARGE OF

SENDING AN INCENDIARY LETTER,

AND OF

SETTING FIRE TO HIS DWELLING-HOUSE,

Before the Lord Chief Baron,

At HORSHAM, MARCH 26th, 1811,

TAKEN IN SHORT-HAND,

BY MR. ADAMS,

BY ORDER OF THE DIRECTORS OF

THE UNION FIRE-OFFICE, LONDON.

LONDON:

PUBLISHED BY J. M. RICHARDSON, 23, CORNHILL,
OPPOSITE THE ROYAL-EXCHANGE.

1811.

GALABIN & MARCHANT,
Printers, Ingram-court, Fenchurch-street, London.

ADVERTISEMENT.

In August, 1810, *the Rev. Robert Bingham first ordered an Insurance, at the Union Fire-Office, London, for*

£	
450	*On his household-furniture, wearing-apparel, plate, printed books, and wine and other liquors in private use.*
50	*On his stable.*
200	*On his stock therein and on his farm.*
50	*On a house, tenant Wilden; afterwards added, by endorsement, to the furniture.*
300	*On other buildings.*
£ 1050	

This policy was signed by the directors on the 21*st September, but previously thereto a fire had taken place in Mr. Bingham's stable, for which he claimed* £187 : 6 : 2, *and this sum was paid to him in October,* 1810.

TRIALS, &c.

LENT ASSIZES,

HORSHAM, MARCH 26th, 1811,

Before the Right Honourable SIR ARCHIBALD MACDONALD, *Knight, Lord Chief Baron.*

THE KING *v.* ROBERT BINGHAM, CLERK.

ROBERT BINGHAM, late of the parish of Maresfield, in the county of Sussex, clerk, was indicted that he, on the 16th day of December, in the 51st year of the reign of our Sovereign Lord George the Third, by the Grace of God, of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, with force and arms, at the parish aforesaid, in the county aforesaid, knowingly and feloniously did send to one Richard Jenner, of the parish aforesaid, in the county aforesaid, farmer, a certain letter, without any name subscribed thereto, threatening to kill and murder the said Richard Jenner, and also to burn the houses and barns of the said Richard Jenner, which said letter is as follows, that is to say:

"MURDER FIRE AND REVENGE

"Fifty of us are determined to keep off land or have revenge therefore pason churchwards and farmers your barns and houses shall burn if you take our land your lives two shall pay your sheep we will eat your oxen we can mame you stacks shall blaze Dick you shall be shuted as you comes from markit or fares we are

United an are sworn
to stand biy one nuothier
FIFTY GOOD FELLOWS."

The said letter being directed as follows, that is to say:

Mr Ri Jinner
Maresfield

against the form of the statute in such case made and provided, and against the peace of our said Lord the King, his crown and dignity.

There were ten other counts, varying the form of the indictment.

The prisoner pleaded not guilty.

MR. SERJEANT BEST.—May it please your lordship, gentlemen of the jury, I am in this case counsel for the prosecution: I am now called upon to discharge one of the most painful duties that was ever cast upon me. You have arraigned before you a clergyman of the established church of England, a minister and teacher of that gospel which prohibits the very conception of crimes, for an offence, which, if it be considered with respect to the malignity of heart that produces it, or its consequences to the family that is the object of it, is exceeded by none in the catalogue of human crimes.

Gentlemen, when I make these observations, do not suppose I wish to prejudice you against the unhappy gentleman who now stands before you. So far from it, my wish is, that, if there shall be any doubt about his guilt, the sacred character with which he is clothed certainly ought to operate in his favour; because it renders him less likely to be guilty of that crime which is imputed to him by this indictment; and it is one of the principles of that law under which you are to day called on to administer justice, a law founded on mercy, that, in proportion as the crime is great, so should be the caution of you, the jury, when you are called on to decide on the guilt or innocence of the prisoner.

Gentlemen, you have heard, from my learned friend, the charge against the prisoner. It is that of sending a threatening letter, threatening to burn and destroy the property of the prosecutor of this indictment, Mr. Richard Jenner, and also to kill and murder him.

Gentlemen, I shall read to you the letter.—

"MURDER, FIRE, AND REVENGE!"

"Fifty of us are detarmd to keep our land or have revenge; therefore, pason, churchwards, and farmers, your barns and houses shall burn;—if you take our land your lives two shall pay;—your sheep we will eat,—your oxen we can mame,—you stacks shall blaze,—Dick, you shall be shuted as you comes from markit or fares;—we are united an are sworn to stand biy one another."

FIFTY GOOD FELLOWS."

"Fifty of us are determined to keep our land or have revenge."

For the purpose of explaining this letter, gentlemen,

it is necessary that I should state to you, that, in the neighbourhood of Maresfield, where he lives, there is a considerable waste, that there have been many encroachments made on that waste, by several of the inhabitants of that parish, and, amongst others, I believe by the prisoner at the bar. It was determined, by the Lord of the Manor, and the persons who had a right of common on this waste, that the enclosures should be thrown down, and the land again restored to common. This, therefore, explains the meaning of *these* words in the letter, "we are determined to keep our land," and which have been all reduced again to common, in the manner I have stated.

The word "Dick," in this letter, applies to the prosecutor, Richard Jenner, who is so called by those who are intimate with him.

This letter, gentlemen, you will observe, purports to come from some one or other of the persons who have been deprived of their land, by the reduction of it into common by the Lord of the Manor, and those who have a right of common on that land.

Gentlemen, it strikes me, whether that conclusion is right or not, it will be for you, under the direction of the learned judge, after you have heard the evidence, to decide, that, although this letter affects to be written by a low person, an illiterate person, it carries about it certain powerful marks, that it is not the production of such a person, but that it is the production of one who can write better language, and these low terms are introduced only for the purpose of disguise. Other letters will be produced to you of the hand-writing of the prisoner, and you will judge of the resemblance between them and this letter. But if, from the bad spelling of this letter, and some of the terms in which it is penned, it furnishes very slight evidence against the prisoner at

the bar, whatever suspicion there may be, yet, unless that suspicion is ripened into proof by other more cogent circumstances, God forbid you should pronounce a verdict of guilty against this gentleman; but I am afraid I shall trace this letter from the very pockets of the prisoner, and shall shew by the evidence of several persons that it is in the hand-writing of the prisoner.

Gentlemen, the prosecutor of this indictment had left his home on Saturday, the 15th of December last, to go to London with his brother. On Sunday, December the 16th, his two sons and a nephew, three boys, about 11 o'clock, had attended Divine Service, at Maresfield-Church. The prisoner on that day had attended and officiated as curate: the service was over about 12 o'clock, and they left the church, and were returning towards the house of the prosecutor. Some of the witnesses will tell you as they passed along the road there was no paper, no letter, and they think if there had been any in the road that they must have seen it. The three boys were proceeding in the same road to the house of their father. After they had got a little way from the church, the prisoner, who was behind them, overtook them, and said, "Get out of the way, or I will ride over you." He said that in a jocular sort of way. He did not mean to do the boys any mischief. They went to school with the prisoner, and therefore "get out of the way or I will ride over you" was only said jocularly. They went from the middle of the road, and the prisoner passed them cantering his horse. I understand, after he got a little before the boys, one of them, John, I wish to use his own words, saw a paper *wibble wabble* in the air, as if it came from the prisoner's pocket, wavering up and down in the air till it came to the ground. They picked up the letter, which is the subject of this indictment, and

the moment one of them (John) looked at it, he saw it was addressed to his father, and recognized it to be the hand-writing of the prisoner. I had stated to you that this boy was himself the pupil of the prisoner, as well as the other two, and there was some little discussion between the three boys on this subject. The prisoner had gone on so far they could not call on him about it; and finding it addressed to their father—

[*The learned Judge here wished to see the letter, and it was handed up to him.*]

Gentlemen, I was stating to you they saw the letter fall on the ground; they picked it up, and there was a sort of conversation that took place. Seeing it addressed to their father, they carried it home with them, and delivered it to their mother. She opened the letter, and read it. The father was not at that time at home.

Gentlemen, as the boys picked up the letter, they observed the prisoner looking back at them, as if to observe whether any of them picked the letter up. They kept it, and, when the father came from London on the Thursday following, the letter was then delivered to him. The father had heard in the village, before he came home, that such a letter had been found. The moment he got home, it was delivered into his hand, knowing nothing from whom it came. The instant the letter was put into his hands, being extremely well acquainted with the character of Mr. Bingham's hand-writing, he affirmed this to be Mr. Bingham's writing. This he did, on looking merely at the superscription. He opened the letter, and on reading the contents of it, from the respect he had for the sacred character of Mr. Bingham, for he had a great respect for him, he doubted of his first opinion:—he doubted, because he could not conceive it possible that a man in the situation of Mr. Bing-

him, whom he respected and regarded as a friend, could be the author of so infamous a letter; and, therefore, his first impression was, that it was his hand-writing; but, when he read the letter itself, he began to doubt, and conceived that it was impossible Mr. Bingham could be the writer of such a letter. And you will find what was his conduct in consequence of that. He kept the letter about him several days, and then having, for a long space of time, been in the habit of consulting the prisoner, though he had still the same impression about the character of that hand-writing, he thought proper to call upon the prisoner, and advise with him. He read the letter to Mr. Bingham, and asked his advice as to what he should do to find out the author. The advice Mr. Bingham gave him was this. He looked at the letter, and discovered by the water-mark the person who was the manufacturer of the paper, and he found this paper had been manufactured by Evans and Sons, at Derby. The prisoner advised the prosecutor to go to the different shops in that neighbourhood, for the purpose of finding paper perhaps with the same water-mark. In consequence of that advice, he did go into every shop in that neighbourhood that sold paper, but could find no paper bearing the water-mark of Evans and Sons. All farther search was considered as impossible, and nothing farther was done upon it.

Gentlemen, I come now to state another circumstance, which, perhaps, will have an effect on your minds. It had been the custom of Mr. Bingham to request his parishioners to spend an evening with him about Christmas, and the prosecutor and his wife were also invited; and while they were there, Mr. Bingham said to the prosecutor, "Dick, you are not shooted yet."

Gentlemen, the prosecutor, Mr. Jenner, having still

his suspicions with regard to the hand-writing of this letter, was hurt at this observation; and, when he repeated it several times, Mr. Jenner said to him, "Sir, if I had not a particular respect for you, I should believe you were the person who wrote that letter." The prisoner burst out into a great laugh, but he never repeated that joke again, though he frequently met the prosecutor.

Nothing farther was done till January the 17th in this year, when the prisoner's house was fired. Inquiries were made respecting the manner in which that fire happened, and the happening of that fire and the circumstances connected with it revived again strongly in the mind of the prosecutor, that this letter was written by the prisoner. It was also observed, that after the fire a person saw the prisoner digging in his garden, and afterwards a person who searched there found a great number of copy-books. The copy-books had not the water-mark of Evans and Sons. And farther, a number of other papers were found in a cieling over a privy, and it is a strong circumstance, that some of the papers that were found there were in his hand-writing. And, though no paper could be found in any shop bearing the water-mark of Evans and Son, which was on the letter in question, yet, on several of the papers that were found, there was a water-mark corresponding with the year and the name of the manufacturer of the paper of the incendiary letter. When this fact was found out, Mr. Jenner doubted no longer. His respect for the prisoner was great, but he thought it necessary to do that which he conceived indispensible to his own safety and existence.

Gentlemen, he set about then to look what evidence he could get to institute a prosecution, being determined

that the prisoner should be brought to justice. He knew he had correspondence with the prisoner, and had bills from him for the education of his sons; he examined these papers, and found that every one of them had the corresponding water-mark that was upon the incendiary letter, of Evans and Sons, and all of the date of 1806.

This being the case, he caused a warrant to be issued, and the prisoner was apprehended, and here he is for trial.

And I have only to add to the facts I have stated one other: I shall call several persons, well acquainted with the hand-writing of the prisoner, who will tell you that, though there has been an attempt to disguise his hand, that yet it is his hand-writing,—and not only that it is his hand-writing, but they will describe his ordinary writing, and point out to you several singularities in casting several of his characters, and they will shew you a corresponding resemblance in those characters in the threatening letter. If a man writes at any length, let him attempt to disguise his hand and to make his letters differently, yet he will soon relapse into his former habit and will make some characters exactly in the natural way;—and that you will find to be the case in some material papers that will be laid before you.—These persons will give you the strongest reasons for their belief that this letter bears undoubted marks of coming from his pen, and from his pen only.

Gentlemen, my learned friend was desired to state some particular circumstances; I think it is better that they should be got out by cross-examination lest we should make any mistake, and nothing would hurt me more than that the prisoner should be prejudiced. Unless the witnesses saw this person write the paper,—this is

the only evidence you can have in forgery and other crimes.

The prisoner at the bar, when called upon for his defence, will have an opportunity, if he can, of explaining or contradicting the evidence on the part of the prosecution, he must not only get rid of the evidence of the boys but also of the evidence of the other witnesses, who will speak to his hand-writing.

It will give me great pleasure to hear this gentleman explain the whole of this transaction to your satisfaction.

It may, perhaps, be asked what motive had this gentleman for the commission of this crime? It is extremely difficult to ascertain the motives of any human conduct, and particularly those that lead to the commission of crimes.

It is well observed by a sublime writer, that when men do evil they reckon little on the event of their misdeeds, or, if they do, they have not the power to curb the sway of their own wickedness.

Gentleman, I shall lay these facts before you; I am not sure if I have mis-stated any of them; they come from others, and, if I have, give to the prisoner the advantage of that mis-statement; if I have drawn wrong conclusions, do not proceed on my conclusions, but exercise your own judgement in the case.

This case is tried in the presence of a most learned and upright judge; and who, by his long experience, will take care that the prisoner does not suffer by any misconception of mine. If I have drawn wrong conclusions, these conclusions will be corrected from judicial authority.

The prosecutor has no wish but for justice, and he will consider that justice as most perfect which is tem-

pered with mercy. If the facts are such that you cannot doubt of his guilt, however painful it may be to your feelings, it will be your duty to convict; if, however, there shall be any rational doubt in the case, the prisoner is entitled to the advantage of that doubt, and God forbid that he should not have it.—If there be any reasonable doubt public justice will be satisfied by an acquittal; and, therefore, I conclude these observations to you in cheerfully joining in the wish expressed by my learned friend, that God may send him a good deliverance.

EVIDENCE

ON THE

PART OF THE PROSECUTION.

JOHN JENNER, *examined by* MR. POOLEY.

Q.—Your name is John Jenner?

A.—Yes.

Q.—How old are you?

A.—Twelve years old the 23d of this month.

Q.—That is three days ago. Where do you live? Where is your father's house?

A.—At Maresfield.

Q.—Do you know Mr. Bingham?

A.—Yes, sir.

Q.—He is the clergyman of that parish I believe?

A.—Yes.

Q.—Did you go to school to him?

A.—I have been at school with him.

Q.—How long?

A.—I do not know.

Q.—How long ago is it since you first went to school?

A.—I do not know.

Q.—Two or three years ago?

A.—It is more than that.

Q.—Did he teach you to write?

A.—Yes.

Q.—During that time did you see Mr. Bingham write?

A.—I have seen him write.

Q.—Now, on Sunday, the 16th day of December last, do you remember your going to church?

A.—Yes.

Q.—Who went with you? Did your brothers go?

A.—One of my brothers.

Q.—What is his name?

A.—Richard.

Q.—What is his age?

A.—About ten.

Q.—He is younger than you?

A.—Yes.

Q.—What time did you return home from the church?

A.—I do not know.

Lord Chief Baron.—What time did you go to church,—at what hour?

A.—At ten o'clock.

Mr. Pooley.—Was Mr. Bingham at church?

A.—Yes.

Q.—Were any of your father's servants at church?

A.—Not any of them with us.

Q.—Did your brother return home with you and your cousin?

A.—Yes.

Q.—How far is the church from your father's house?

A.—They call it about half a mile, sir.

Q.—About half a mile?

A.—Yes.

Q.—Now, as you were going home, did you see Mr. Bingham?

A.—Mr. Bingham overtook us.

Q.—On foot or on horseback?

A.—On horseback, sir.

Q.—Did he speak to you?

A.—Yes, sir.

Q.—What did he say to you?

A.—He said he would ride over us.

Q.—In a joke?

A.—Yes, sir.

Q.—You got out of his way?

A.—Yes, sir.

Q.—At what pace?

A.—Cantering one.

Q.—Now, after he had got before you, did you observe any thing?

A.—I saw a letter drop,—dropping to the ground.

Q.—Was Mr. Bingham far from you when you saw this letter drop?

A.—Six rods.

Q.—Do you know how many yards there are in a rod?

A.—About six rods?

Q.—That is between 30 and 40 yards?

A.—Yes.

Q.—You say you saw a letter drop, where did it drop from?

A.—I do not know, sir, I saw it before it got to the ground.

Q.—How high up in the air was it when you first saw it?—How high from the ground when you first observed it?

A.—It was not very high.

Lord Chief Baron.—As high as your head from the ground?

A.—No, Sir.

Q.—You think it was not quite so high?

A.—No, sir.

Mr. Pooley.—Now where did it drop from?

A.—I do not know, sir, I thought it came from Mr. Bingham, but I did not see it.

Q.—What makes you believe it came from him?

A.—Because I saw it flying to the ground.

Lord Chief Baron.—Because you saw it flying to the ground?

A.—Yes, sir.

Mr. Pooley.—Was Mr. Bingham near the letter when you first saw it?

A.—Yes, sir.

Q.—How near?

A.—I do not know, sir.

Q.—As near as you can tell me?—As near as you are to the gentlemen on the jury that is next you?

A.—As near as I am to the second gentleman. *(About the distance of a yard and a half.)*

Lord Chief Baron.—Was he before or behind the letter?

A.—Before.

Q.—He was before the letter, was he?

A. Yes, sir.

Mr. Pooley.—Was there any thing remarkable in this letter, as it was falling to the ground, that struck you in the manner of its falling? Did it fall at once or gradually?

A.—It was wavering in this way. *(The witness described the way in which it fell with his hat.)*

Q.—Till it came to the ground?

A.—Yes, sir.

Q.—Was there any body else there where the letter fell but Mr. Bingham?

A.—No, sir, not near the place where the letter fell.

Q.—There was no body near that but Mr. Bingham?

A.—I did not see any body.

Q.—Is that road a wide road?

A.—It is middling, sir.

Q.—Is it a straight road? If there had been any body else near the place should you have seen them?

A.—I saw a man and woman, and two children, turn the corner.

Q.—Was that before Mr. Bingham came up to you?

A.—Yes, sir.

Q.—That was before?

A.—Yes.

Q.—How far off were the man and woman, and two children, from you when you first saw them?

A.—I cannot say

Q.—How many rods?

A.—A great many.

Q.—What do you mean by that? Twenty or thirty?

A.—More than that.

Lord Chief Baron.—They were before.

A.—Yes, sir.

Mr. Pooley.—Did you overtake them?

A.—No, sir; they were more than thirty or forty rods before me when I first saw them.

Q.—How far do you think they were from Mr. Bingham when you saw this letter drop?

A.—I do not know.

Q.—Did you see them at that time?

Lord Chief Baron.—Were they before Mr. Bingham or not?

A.—Yes, they were before him.

Q.—Farther from you than Mr. Bingham was?

A.—Yes, sir.

Mr. Pooley.—On the public road?

A.—Yes, sir.

Q.—Do you know who they were?

A.—No, sir.

Q.—When did you lose sight of them?

A.—When they turned round the corner.

Lord Chief Baron.—Had they turned round the corner before the letter dropped?

A.—I do not know they had, sir; I am not quite sure, sir.

Mr. Pooley.—Did you come up to the place where the letter fell?

A.—Yes, sir.

Q. Did you pick it up?

A.—Yes, sir, Mr. Bingham, as he rode forward, looked back at me and my cousin very much.

Q.—Did he look back at you and your cousin very much after the paper was dropped?

A.—Yes, sir.

Q.—Was he looking back at the time you picked it up, do you know?

A.—I do not know.

Q.—That you do not know?

A.—No, sir.

Q.—Did he look back at you after you picked it up?

A.—I do not know, sir, I did not observe him.

Q.—What did you do with the letter you found?

A.—I carried it home to my mother, sir.

Q.—Did you deliver the letter to your mother in the same state in which you picked it up?

A.—Yes, sir.

Q.—Wafered or sealed?

A.—Wafered, sir.

Q.—Now did you pick up that letter, *(handing up a letter to him)*?

A.—That is the letter.

Q.—Are you sure that is the letter you picked up?

A.—Yes, sir.

Q.—And that you delivered to your mother?

A.—Yes.

Q.—Now when you picked it up, did you read the direction on the letter?

A.—Yes.

Q. Had you any belief of whose hand-writing it was?

A.—Yes.

Q.—Did you make any observations before you took it up?

A.—I told my cousin I thought it was Mr. Bingham's hand-writing: He said he thought it was not, and I replied that I thought it was.

Q.—You told me before you were at school with Mr. Bingham, and had seen him write?

A.—Yes, sir.

Q.—From that circumstance were you led to that belief, that it was his hand-writing?

A.—Yes.

Q.—Did he teach you to write himself?

A.—Yes, sir.

Q.—Now when you picked up that letter, and looked at it, was there any thing particular that induced you to think it was his hand-writing, or only the general character of it?

A.—I thought this letter was Mr. Bingham's writing.

Q.—I thought you put your finger to something?

A.—No.

Lord Chief Baron.—Was there any thing particular or only the general character of it?

A.—Nothing besides the writing.

Q.—The general look of the writing made you think it was his?

A.—Yes, sir.

Mr. Pooley.—How soon after that did you see Mr. Bingham?

A.—The next morning. I went next morning to buy, and desired him to let me have, a Christmas piece.

Q.—That is a paper with pictures on the sides?

A.—Yes.

Q.—What did he say?

A.—Well, John, you found a pretty letter yesterday, did you not? And I said yes.

Q.—Had you said any thing to him about the letter before he made that remark to you?

A.—No, sir.

Q.—What time in the morning was it when you went down to him, and when he spoke to you about finding the letter?

A.—It was pretty near nine in the morning.

Cross-Examined by Mr. Common Serjeant.

Q.—Before you saw your master the next morning, at nine o'clock, your mother had shewn the letter on Sunday night to the prisoner's wife, had she not?

A.—Yes, sir.

Q. I think your mother had shewn Mrs. Bingham the letter that had been picked up?

A.—Yes.

Lord Chief Baron.—Before nine o'clock in the morning. It was on the Monday morning you asked for the piece?

A.—Yes, sir.

Q.—And it was the day before your mother had shewn it to Mrs. Bingham?

A.—Yes.

Q.—And it had been talked about by your mother and your family?

A.—Yes, and my mother went to Mrs. Thomas Jenner's.

Mr. Common Serjeant.—How long had you attended at his school do you think the last year? Two or three months do you think, or how long?—How long have you been at school with Mr. Bingham?

A.—I do not think I went to school last year, I went to another.

Q.—In 1810, last year, you had not been at school with him during any part of that year?

A.—We had changed our school; I am not sure whether I went to his school in 1810.

Q. But you had changed your school for some time?

A.—Yes.

Q.—So that Mr. Bingham had not been teaching you, not lately before that?

A.—No, sir.

Q.—Your cousin William was with you,—the son of your uncle Thomas?

A. Yes.

Q. Did your cousin William go to school with Mr Bingham?

A. Yes, sir.

Q. Did he at that time?

A.—Yes, sir.

Q.—He was a scholar in the day time,—he was a day-scholar?

A.—Yes.

Q.—He had gone to school down to the time of the holidays?

A.—Yes.

Q.—And therefore he must see Mr. Bingham's writing much later than you did?

A.—Yes.

Q.—When you looked at the writing, you said it was Mr. Bingham's, but your cousin, who knew it later, differed in opinion from you, and he said he thought it was not?

A.—Yes.

Q.—Is he an older lad than you?

A.—No, younger.

Q.—What is his age?

A.—He is past eleven.

Q.—Within a few months of you in point of age?

A.—I do not know.

Q.—Now, during the time that you were at Mr. Bingham's, were there many of the village who were educated by him:—went to the school there, were there not?

A.—I went to school to him.

Q.—Had he not some day-boys?

A.—Yes, sir, he had some day-boys.

Q.—The boys of the village and the neighbouring parts used to go to school there?

A.—Yes.

Q.—Was you or your cousin a day-scholar?

A.—A day-scholar, sir.

Q.—There were a good many day-scholars at the school?

A.—Yes.

Q.—And the school was an increasing school after you left it?

A.—There were not a great many, sir.

Q.—Do you recollect whether there were more or not than when you were there?

A.—There were not more.

Q.—About the same number?

A.—Less.

Q.—You went the next day to him to get a piece to write for the Christmas to shew your friends?

A.—Yes.

Q.—Mr. Bingham used to furnish the boys friends with paper;—when the boys wanted sheets of paper, did they not get paper from him?

A.—I do not know, sir.

Q.—You do not know how that was?

A.—No, sir.

Q.—You had no occasion to buy paper of him?

A.—No, sir, when I went to Mr. Bingham I had paper to write on.

Q.—The paper the boys had to write on was furnished by Mr. Bingham, was it not?

A.—They had the paper of Mr. Bingham which they wrote on.

Q.—They had copy-books and paper likewise, had they not;—they had paper when they wrote the Christmas pieces?

A.—Yes, sir.

Q.—They had paper at other times if they asked for it, had they not?

A.—I do not know that, sir.

Q.—That you do not know.—Who the persons who were passing by at the time Mr. Bingham was you cannot tell?

A.—No, sir.

Q.—You do not know who they were?

A.—No, sir.

Q.—The man and woman and two children you have been talking of were strangers to you?

A.—Yes, sir.

Q.—You do not know who they were?

A.—No, sir.

Q.—You have never learned who they were?

A.—No, sir.

Q. Now recollect a little, my friend; have you not occasionally bought a sheet or two of paper of Mr. Bingham when you wanted it?

A.—No, sir, I do not think I have.

Q.—You do not recollect?

A.—No, sir, I have not had paper, except for the Christmas piece?

Q.—I am not asking about the Christmas piece?

A.—I had no writing-paper.

Lord Chief Baron.—You never had writing-paper from him; am I to understand that?

A.—No, sir.

Mr. Gurney.—He repeated something about a Christmas piece.

Mr. Common Serjeant.—Was that sheet of paper a paper with pictures by the side of it?

A.—We had paper with pictures:—we had common paper first of all to try with, and then the other paper to write from it.

Q.—First, the common paper to write rough with, and the other to write from it?

A.—After we had written that, we wrote from that into the Christmas piece.

Q.—Did the letter appear to fall on the side next to you?

A.—The letter dropped, sir, on the left-hand side.

Lord Chief Baron.—On what side of Mr. Bingham were you?

A.—On the left-hand side.

Q.—And it dropped on that side you were of?

A.—Yes, sir.

Q.—And you afterwards took this letter home to your mother?

A.—I took the letter home to my mother.

Re-examined by Mr. Pooley.

Q.—When you wrote your Christmas piece, you used first of all to write on common paper, and that afterwards was to be copied into the piece?

A.—Yes, Sir.

Q.—You copied it from that paper that was used by writing upon it?

A.—By first of all copying it on another piece of paper, and then copying it from that into the piece.

Q.—And that is all the paper you ever had from Mr. Bingham?

A.—That I recollect.

Lord Chief Baron.—You say the prisoner at that time was cantering his horse?

A.—Yes, sir.

Q.—Supposing a letter had been lying in the road, and had been kicked up by the horses feet, might it not then have floated in the air?

A.—No, sir, I do not think the horse kicked it up.

Q.—It did not appear to you the horse kicked it up?

A.—No, sir.

WILLIAM JENNER, *examined by* Mr. GARROW.

LORD CHIEF BARON.—What age are you of?

A.—Eleven.

Mr. GARROW.—Are you the cousin of the last witness, John Jenner?

A.—Yes, sir.

Q.—Do you remember at any time before you were examined at Lewes by the Magistrates going from Maresfield with your cousin?

A.—Yes, sir.

Q.—Do you know how long it is since it happened?

A.—No, sir.

Q.—You do not know the day you went from the church?

A.—I do not.

Q.—Who performed the service that day, doing the duty in the church as Minister?

A.—Mr. Bingham.

Q.—You know Mr. Bingham very well?

A.—Yes.

Q.—Were you at that time a scholar of his?

A.—Yes, sir.

Q.—Were you walking with your cousin when you saw him?

A.—Walking up to my cousin's house to dinner.

Q.—What distance had you got from Maresfield before you saw Mr. Bingham?

A.—About half the way.

LORD CHIEF BARON.—What is the distance between the church and your uncle's house?

A.—About half a mile.

Mr. Garrow.—And therefore you were about a quarter of a mile from the church.

In what way did Mr. Bingham pass you,—was he on foot or on horseback?

A.—Horseback.

Q.—At what pace was he going?

A.—At a canter.

Q.—Did he say any thing to you and your cousin?

A.—Yes, he would ride over us.

Q.—Out of joke? he said jokingly, and in good humour, he would ride over you?

A.—Yes, sir.

Q.—And then he passed on?

A.—Yes.

Q.—Were any other persons in sight by your cousin? There were a man, and woman, and two children, before, were there not?

A.—Yes.

Q.—Were they one party, as it appeared to you?

A.—Yes.

Q.—Were they before Mr. Bingham, and did Mr. Bingham come up afterwards? Were they farther on the road towards your uncle's than Mr. Bingham was?

A.—Yes, sir.

Q.—They were farther from you than he was?

A.—Yes, sir.

Q.—And after he had passed you did you observe any paper in the road?

A.—No, till I came very near it; I did not see it till I came very nigh up to it.

Q.—Did you see it before it was picked up?

A.—Yes, sir.

Q.—At what distance do you think you had seen it

before you came up to it, the length of this court, or any other place?

A.—Three or four yards before I came up to it.

Q.—Who picked it up?

A.—My cousin did.

Q.—Your cousin John?

A.—Yes, sir.

Q.—Was any observation made by either of you before it was picked up?

A.—John said look there, William, there is a letter dropping to the ground.

Q.—Look there, William, there is a letter dropping to the ground?

A.—Yes, sir.

Q.—Was that before you came up to it?

A.—Yes, sir.

Q.—How long had he said there is a letter dropping to the ground; how long was that before you came up to it, and saw it picked up?

A.—I do not know, sir.

Q.—Was it before you came up to it?

A.—Yes, sir.

Q.—Did you look at the place when his observation was pointed to you?—did you see it dropping to the ground? die you make any answer to him? did you see it?

A.—No, sir, I did not see it till it was on the ground.

Q.—Did he say any thing to you?

A.—John said he thought it was Mr. Bingham's writing, and I said I thought it was not.

Q.—What did John say in answer to that?

A.—He said he thought it was.

Q.—Was the letter in his hand at the time?

A.—Yes

Q.—Did it appear to you to be open or sealed?

A.—It was wafered up.

Q.—It had not been broken up?

A.—No, sir.

Q.—Was it clean or dirty, as if it had been lying any time in the road?

A.—It was very clean.

Q.—You went on with your cousin to your uncle's house?

A.—Yes, sir.

Q.—Did he keep that letter till he got home?

A.—Yes, sir.

Q.—What did he do with it when he got home?

A.—He gave it to his mother.

Q.—That is the wife of your uncle Richard?

A.—Yes, sir.

Q.—Did he give it to his mother unbroken and in the same state in which he had picked it up?

A.—Yes, sir.

Q.—At the time that your cousin picked it up, was Mr. Bingham out of sight or out of view?

A.—I saw him when we picked it up.

Q.—At what distance was he ahead of you when your cousin picked it up?

A.—I do not know.

Q.—As near as you can tell, sir, by the length of this court, or any thing else?

Lord Chief Baron.—How many rods, as you are accustomed to calculate by rods, two, or three, or five, or six?

A.—Two or three.

Q.—Two or three rods from you. What was Mr. Bingham doing when your cousin picked it up?

A.—He looked back at us very much.

Q.—Was he still going at the same pace that he passed you?

A.—Yes, sir.

Q.—And he looked back at you very much?

A.—Yes.

Q.—Except the man, and woman, and two children, did you see any other person on the road, between the time when Mr. Bingham jocularly said he would ride over you and the time you arrived at your uncle's house?

A.—No, sir.

Q.—Had they got on farther than the place where John picked up the letter before Mr. Bingham got up to that place?

A.—Yes, sir.

Q.—They had got farther on the road?

A.—Yes, sir.

Q.—They had passed that place before Mr. Bingham arrived at it?

A.—Yes sir.

Cross-examined by Mr. Gurney.

Q.—The road on which you were walking was the road towards the forest?

A.—Yes, sir.

Q.—There were also some of the people you call Foresters would, naturally, be going that road?

A.—Yes, sir.

Q.—I think you observed to your cousin, when he picked up that letter, you wondered Mr. Bingham had not picked it up in the road?

A.—Sir, I did not say that.

Q.—Recollect yourself, you said so before the justice.

Did you not say you wondered that Mr. Bingham had not picked it up?

A.—No, I never said so.

Q.—Recollect yourself my lad, did you not say you wondered Mr. Bingham had not picked up that letter?

A.—No, sir, I cannot recollect I ever said that.

Q.—Your cousin said he thought it was Mr. Bingham's writing and you thought it was not?

A.—Yes, sir.

Q.—You have been at Mr. Bingham's school a great while and he has taught you to write?

A.—Yes, sir.

Q.—And set you copies?

A.—Yes, sir.

Q.—Did you not say that your aunt or somebody else wondered that Mr. Bingham had not picked it up?

A.—No, sir.

Q.—If any of the boys wanted paper did they not buy it of your master?

A.—I do not know that they did.

Q.—You had not occasion to buy?

A.—No.

Q.—Whether any of the other boys bought it you do not know?

A.—No, sir, whether any of the other boys bought paper or not, I do not know.

Q.—I believe you read and write better than John does?

A.—There is very little difference.

Q.—The last year you have been a scholar with Mr. Bingham and he has not?

A.—Yes, sir.

Q.—The last year you have been a scholar of Mr. Bingham and have been writing?

A.—Yes.

Mr. Gurney.—That is all I have to ask you.

Thomas Bates, *examined by* Mr. Pooley.

Q.—Your name is Thomas Bates?

A.—Yes, sir.

Q.—I believe you are Mr. Richard Jenner's tenant?

A.—I am,—I am a housekeeper.

Q.—You rent a house of him?

A.—Yes, sir.

Q.—Do you recollect on Sunday, December the 16th, being at church at Maresfield?

A.—Yes.

Q.—Did Mr. Bingham do the duty on that day?

A.—Yes, sir.

Q.—About what time did you return from church?

A.—The time I do not recollect.

Q.—What time is the church over?

A.—The church is over there about 12 o'clock.

Q.—You were returning home from church? Is that the direction towards Mr. Jenner's house?

A.—Yes, sir.

Lord Chief Baron.—He was returning in a direction towards Mr. Jenner's house?

A.—Yes, sir.

Mr. Pooley.—Was any body with you?

A.—Four more.

Q.—How far on that road did you go?

A.—It is not quite half a mile.

Q.—Did you go as far as Mr. Bingham's house? You were going in the direction where Mr. Jenner lives?

A.—Yes, sir, to his gate.

Q.—In what part of the road were you walking?

A.—Nearly in the middle of the road.

Q.—Is it a wide road.

A.—About two rods wide.

Q.—Ten or twelve feet wide?

A.—About thirty feet wide.

Q.—Now as you were walking along, could you have seen any thing if it had been lying there in the road?

A.—Yes, sir.

Q.—It is a very level road?

A.—Yes.

Q.—Now, as you went along, did you see any paper or letter in the road?

A.—No, sir.

Q.—You did not?

A.—No, sir.

Q.—Whereabouts did you stop in the road?

A.—I did not stop.

Q.—You went to your own home?

A.—Yes, sir.

Q.—Is that the road Mr. Jenner's sons would go from church to their father's house?

A.—Yes.

Q.—Did you wait the singing?

A.—No, sir.

Q.—You went away at the time the service was over?

A.—Yes, sir.

Q.—There were several persons with you, you say?

A.—Four more.

Cross-examined by Mr. Courtup.

Q.—You did not stay the music?

A.—No, sir.

Q.—And therefore how many persons went after you, you do not know?

A.—No, sir.

MARTIN HODE, *examined by* Mr. GARROW.

Q.—Were you at Maresfield church on Sunday, the 16th of December last?

A.—Yes.

Q.—Mr. Bingham I believe performed the service there?

A.—Yes.

Q.—Was there some singing after the service of the church was over?

A.—Yes, I staid nearly half an hour.

Q.—After the congregation in general had dispersed to go home, you remained for some music nearly half an hour? What way did you go home? Was it the same way that Mr. Jenner's sons and their cousin were going?

A.—Yes.

Q.—After you waited in the church did you see the lads in the village of Maresfield?

A.—I saw them in the corner of the street.

Q.—Is that the way going to their parents house?

A.—Yes, sir.

Q.—I believe you made some friendly observation to them and passed on?

A.—Yes.

Q.—You went on to your own house?

A.—Yes.

Q.—Did you see any body after you had passed the young Jenner's till you had arrived at your own house?

A.—No, sir.

Q.—Do you go farther than Mr. Jenner?

A.—Yes, half a mile or more.

Q.—In what part did you walk?

A.—I walked by the side of the park all the way: it is all the plain road.

Q.—Did you observe any paper in the road, after you passed the lads and before you arrived at your house?

A.—No.

Q.—Do you think it is probable if there had been any you should have seen it?

A.—Yes.

Q.—How soon after you had arrived at home did you see any person?

A.—I had just got to my own house when I saw Mr. Bingham at the turnpike-gate.

Q.—Was he stopping or passing through?

A.—Stopping.

Lord Chief Baron.—Stopping to pay, probably?

A.—Yes.

Mr. Garrow.—How long was that after you had passed the lads, and had spoken to them?

A.—Nearly a quarter of an hour; I cannot tell, not exactly.

Q.—You think it was not more?

A.—Not more.

Q.—Just time enough to enable you to walk to your own home?

A.—Yes, sir.

Cross-examined by Mr. Common Serjeant.

Q.—You were walking on foot?

A.—Yes.

Q.—After you had seen Mr. Thomas Jenner's wife, did you see Mrs. Bingham?

A.—Yes, sir.

Q.—Where did you see Mrs. Bingham?

A.—I met her.

Q.—Did you shew her that letter?

A.—Yes.

Cross-examined by Mr. Common Serjeant.

Q. That such a letter was found was known on the Sunday to Mrs. Bingham?

A.—Yes, sir.

Q.— Your nephew dined with you that day?

A.—Yes, sir.

Q.—He came home with your sons?

A.—Yes, sir.

Q.—Do you recollect his saying he wondered Mr. Bingham had not picked up the letter?

A.—Yes, my son said so.

Q.—Had your nephew afterwards said so?

A.—I do not recollect.

Q.—It was your son that said he wondered Mr. Bingham had not picked it up?

A.—Yes, sir.

Q.—Do you recollect this; when your son told you that your saying you supposed some of the foresters must have dropped it?

Lord Chief Baron.—Did you observe any thing of that kind?

A.—I said so at the time of reading the letter.

Mr. Common Serjeant.—Your son having delivered the letter to you, and told you where he had found it?

A.—Yes, sir.

LORD CHIEF BARON.—What were the words you said?

A.—I said that I thought the foresters had dropped it as they went from church.

Mr. COMMON SERJEANT.—Mr. Bingham had the care of more than one of your sons?

A.—They went to school to him.

LORD CHIEF BARON.—More than one?

A.—Three of them.

Mr. COMMON SERJEANT.—Mrs. Bingham and Mr. Bingham, and you and your husband, were on very friendly terms?

A.—Yes, sir.

Q.—You had a mutual regard for each other?

A.—Yes, sir.

Q.—And doing all sorts of neighbourly acts?

A.—Yes, sir.

Q.—If I had asked you whether any people could be on better terms than you and they, you would have told me that no people could be on better terms, and they were also on very good terms with Mr. Thomas Jenner and his family?

A.—Yes, sir.

Q.—Mr. Bingham, I believe, is a very attentive gentleman to his duties as a clergyman?

A.—Yes, sir.

Q.—Besides discharging his duties as a clergyman, I believe he has established a school for the children of the lower orders of the people, a Sunday School, or something of that nature?

A.—I do not know.

MR. RICHARD JENNER, *examined by* MR. GARROW.

Q.—Now, Mr. Jenner, you are a farmer at Maresfield, I believe?

A.—Yes, sir.

Q.—Do you occupy what is called the Dairy-farm?

A.—Yes, sir.

Q.—Have you upon it barns and houses?

A.—Yes, sir.

Q.—And sheep?

A.—Yes, sir.

Q.—And corn?

A.—Yes, sir.

Q.—Oxen?

A.—Yes, sir.

Q.—Cows and hay-stacks?

A.—Yes, sir.

Q.—And other things, farmers utensils?

A.—Yes.

Q.—Your christian name is Richard?

A.—Yes, sir.

Q.—Have you for some time past been called familiarly Dick?

A.—Yes, sir.

Q.—By persons who are intimate with you?

A.—Yes, sir.

Q.—You have seen the letter which was delivered to you by your wife?

A.—Yes, sir.

Q.—You were in London at the time the letter was found?

A.—Yes, sir.

Q.—You returned on the Thursday?

A.—Towards the evening.

Mr. Garrow.—Some of these questions are objectionable as leading questions, but these facts are not disputed.

Mr. Common Serjeant.—Certainly not.

Mr. Garrow.—How long have you been acquainted with Mr. Bingham?

A.—About five or six years.

Q.—He had been your clergyman?

A.—Yes, sir.

Q.—Had sons under his care as the instructor of youth?

A.—Yes, sir.

Q.—The two families had been very intimate and on the best terms and footing?

A.—Quite so.

Q.—To the time the letter was put into your hands?

A.—Quite so.

Q.—I apprehend he was one of the last persons you supposed would have done you an unkindness?

A.—Just so.

Q.—Upon reading that letter, sir, who do you believe is the person meant by the appellation of "Dick?"

A.—I apprehend it was meant myself.

Q.—To whom do you understand the threats which are contained in that letter to be directed? Who do you understand to be the object of the threats contained in that letter? Whose lands do you understand are threatened, and whose houses and barns?

A.—I understand them to apply to my own.

Q.—Now, in the course of the five years or more that you have been acquainted with Mr. Bingham have you had frequently occasion to see his hand-writing?

A.—Frequently; I have seen him write and received writing from him, sir.

Q.—Among other things did you receive from time to time bills for the education of your children?

A.—Yes, sir.

Q.—Are you well acquainted with his character and manner of hand-writing?

A.—I think I am well acquainted with it, sir.

Q.—Look first to the superscription, to the address, of that letter, whose hand-writing do you, upon your oath and in your conscience, believe that to be?

A.—I said it was Mr. Bingham's.

Q. I ask you now, looking at that now, whose hand-writing do you believe it to be?

A.—I believe it to be Mr. Bingham's.

Q.—In answer to my question, you observed, I said it was Mr. Bingham's: when did you first say it was Mr. Bingham's?

A.—As soon as my wife gave it into my hand and I observed the direction.

Q.—Was that before you had either seen or heard of any of its contents?

A.—Yes, sir.

Q. Upon its being put into your hands without any observation whatever?

A.—Yes, sir, quite so.

Q.—Has that opinion, which you then immediately pronounced, been, on farther consideration, altered or confirmed?

A.—When I read the contents of it,—after I read its contents,—when I read its contents I could not think my friend could do such a thing.

Q.—Now, sir, including what the sentiments are, you did not think your friend could do such a thing; but,

looking merely at the character of the hand-writing, whose writing should you suppose that letter to be?

A.—I believe it is as I have said.

Q.—And therefore believe it to be;—whose hand-writing do you believe it to be?

A.—Mr. Bingham's.

Q.—Does it appear to be quite in the nature and character of his hand-writing, or does there seem to be any attempt at disguise?

A.—A little attempt at disguise.

Q.—Are there any particular letters the form of which, by Mr. Bingham, you had observed before you saw that letter?

A.—Yes, sir.

Mr. Garrow.—There were certain letters, my lord, the form of which, by the prisoner, he had observed before he had seen that letter.

Q.—A singularity in some of the forms of the letters?

A.—Yes, sir.

Lord Chief Baron.—Stay, stay, singularities in the forming of certain letters?

Mr. Garrow.—Yes, my lord.

Lord Chief Baron.—In Mr. Bingham's ordinary hand?

A.—Yes, sir.

Mr. Garrow.—Made differently from the common mode of making them?

A. Yes.

Q.—In a way that struck you: did that singularity, as far as you have observed, run through the whole of this natural writing you had ever seen before?

A.—Yes.

Q.—Now, mention any letter that appears there to confirm the singularity which you had always observed?

A.—"*Ri*," and several letters.

Lord Chief Baron.—It is not the singularity of the letters, but only of *Ri*?

Mr. Garrow.—What is the first thing on that direction?

A.—Mr. *Ri*.

Q.—What do you observe on *Ri*?

A.—Because I have received no letters from him which are not of a piece with it.

Q.—With that *Ri*?

A.—Yes, sir.

Q.—That was his usual manner of abridging Richard?

A.—I cannot say that was on all my bills of his, and letters.

Q.—Is there any thing in the forming of the capital letter *R*, or others, that is remarkable?

A.—Yes, there are in the *G*'s and *R*'s.

Q.—In the *R* any thing remarkable?

A.—Yes, there is.

Q.—What is it?

A.—The throwing off that which is the last stroke in the *R*.

Q.—Writing it a square, is that what you mean?

A.—Yes.

Q. He turns it off shorter.—Did that strike you to be his direction from the manner it is directed, when it met your eye?

A.—It did, without knowing any thing of the contents of it.

Q.—At that time it might be a letter on business, or an invitation?

A.—I did not know what there was in it.

Q.—Now, sir, you were speaking of another letter, *G*,

in Genner, in the direction of the letter, how does that appear regularly to have been written?

A.—There is a part of it a long *J*, and then it is rather disguised, to make it look like *g*?

Q.—What is added to the long *j* is to become like *g*; it is a mixture of the two?

A.—It appears as a small *g*.

Q.—That was the manner in which he used to make *g*? *(Shewing the witness the letter on a piece of paper.)*

A.—I see it here.

Q.—That you observe is not in the form in which men in general write a capital *G*?

A.—It is not.

Q.—Had you before this transaction observed how Mr. Bingham in general began a word which is usually written with a capital *G*?

A.—He usually began it in the character of a small *g*?

Q.—But of a larger circle?

A.—Yes, sir.

Q.—A large small *g*?

A.—Yes.

Q.—Did you ever see any other person that wrote *G* in that manner except Mr. Bingham?

A.—Never, to my recollection.

Q.—Had you observed that he very commonly did so?

A.—Yes.

Q.—When he had occasion to begin any word with *G* that was his general way to make it, *g*?

A.—Yes.

Q.—Is there any thing remarkable in any of the other letters in the direction, and which was conformable to his ordinary mode of writing.

A.—There is the small *f* in *Maresfield*.

Q.—Was that a word that had occurred frequently in papers you had seen?

A.—Yes, it was.

Q.—What is your remark on the *f*?

A.—He makes it down right.

Q.—Making it (*f*) generally without a loop. Looking at the direction, you at first thought, and still think, it was his hand-writing?

A.—I do.

Q.—Is there any thing remarkable in the inside of it? Open it.

A.—In the *b's*, and *& per se*, *& s*.

Q.—What is there remarkable in that?

A.—It is different from that of any body else; he makes it with a little cut only; it is small and resembles that here, but only rather larger.

Q.—Was that the common mode, according to your observation on the way in which he wrote it?

A.—It was, sir.

Q.—How soon after you had received that letter from your wife did you see Mr. Bingham?

A.—I called on him the next Sunday following.

Q.—For what purpose did you call on him?

A.—For advice.

Q.—Advice about what?

A.—How best to find out the author of that letter.

Q.—To consult him as your friend?

A.—Yes, which I had occasionally done before.

Q.—What advice did Mr. Bingham give you on that subject?

A.—He wished me to go to the shops in the neighbourhood to search for paper, to see whether I could find any water-mark on the paper as there was on the letter.

Q.—To see whether you could find any corresponding with the threatening letter?

A.—Yes.

Lord Chief Baron.—You searched?

A.—Yes, sir; I could not find any.

Mr. Garrow.—In what way did you conduct your search?

A.—I went to the shops and bought paper.

Q.—As if you had wanted it for ordinary purposes? You did not ask whether they had got it with that particular water-mark?

A.—I cannot recollect.

Q.—You went to purchase paper to examine it?

A.—Yes.

Q.—You could not find any in your neighbourhood?

A.—I could not.

Q.—Have you since seen any paper with the same water-mark?

A.—Yes, with the water-mark of Evans and Son, 1806.

Q.—That is the water-mark on the letter?

A.—Yes.

Q.—Have you since seen one or more sheets of paper with that water-mark?

A.—Several.

Q.—What have you done with such of them as were in your own custody?

A.—I have got some of them in my own pocket.

Q.—Now be so good as to produce them. *(The witness produced them.)*

Mr. Garrow.—Where did you find the papers you now produce? Let me have only those of your own. Look at them as you hand them to me for the purpose of a question I shall put to you.

Lord Chief Baron.—These came from your own private papers, Mr. Jenner?

A.—From my own private papers, my lord. He put them into my hands himself.

Mr. Garrow.—I was just going to ask that question, my lord. From whom did you receive them?

A.—From Mr. Bingham.

Q.—When?

A.—I cannot exactly say about what time.

Q.—Was it a month before?

A.—It was a long time; it was for taking in some land at Harneck-common.

Q.—Many months before?

A.—Several months before.

Q.—It is a plan of some land. There is no writing of Mr. Bingham's on that paper, marked B?

A.—No, sir.

Q.—What else have you got there? You have delivered to Adkins certain other papers you found?

A.—Yes.

Q.—Found among your own papers?

A.—Yes, sir.

Q.—Now, sir, did you find these several papers in your own private bureau?

A.—I did.

Q.—What is the first of these in point of date? Give me the first.

(He hands it over to the counsel.)

Q.—Now, whose hand-writing is the rest, besides your own hand-writing?

A.—Mr. Bingham's hand-writing.

Q.—It is a bill for the education of one of the boys, and endorsed Mr. Ri. Jenner? You have looked at that endorsement?

A.—I have.

Q.—Does this appear to you to be the same person who wrote *Ri.* afterwards on the back of that threatening letter?

A.—It does.

Q.—This is a little out of the order: I meant to have asked as to the water-mark?

A.—This has the water-mark.

LORD CHIEF BARON.—Settled R. B. at the bottom of it. Is that the prisoner's hand-writing, Mr. Jenner?

A.—Yes, my lord.

Q.—The whole is his hand?

A.—The whole except my name.

Mr. GARROW.—All that is Mr. Bingham's. Mark that paper C.

Q.—Now, sir, give us any other paper.

(Hands him another, dated March 2d, 1810.*)*

Q.—There is a small part of the water-mark upon this?

A.—And that is all Mr. Bingham's hand-writing; I saw him write it myself.

LORD CHIEF BARON.—That is a balance due to you?

A.—Yes, sir, my boys went to school to him.

Mr. GARROW.—What did he to make a balance due to you; having sons at school with him, you would owe him?—

A.—Money frequently.

Q.—You have looked into these, and these are his writing?

A.—Yes, sir.

Q.—For education from Christmas, 1807, to Christmas, 1808. Ri. Jenner occurs several times.

(Hands them up to the learned judge.)

Mr. GARROW.—My Lord, the next paper is Richard Jenner to R. Bingham, from Dec. 24th, 1806, to Dec. 25th, 1807, and the endorsement Ri. Jenner occurs twice in the hand-writing of the

prisoner.——Mark it with the successive letters of the alphabet.——The next is dated Dec. 25th, and on which Ri. Jenner occurs twice. The next is one which contains a considerable portion of the water-mark, all in the hand-writing of the prisoner, and Ri. Jenner occurs again. It is for various things.

Q.—Have the goodness to look at that paper *(handing it up to him)* which you say you saw him write, and in which the word *grass* occurs. Is the word grass his writing?

A.—Yes.

Q.—The *g* in grass is not in the form of an ordinary capital; but that was the way in which he used to make the larger *g*?

A.—That was the way.

Q.—That struck you as a singularity in the threatening letter that has been produced?

A.—Yes, sir,

Q.—Now, sir, you have told me you applied for advice to Mr. Bingham, and that he recommended you to go to different shops and buy paper to search for the water-mark; that you did so, and that your search was ineffectual; that you made an ineffectual search. Did you communicate that to him at any time:—did you tell him you had searched?

A.—Yes, I did.

Q.—What observation did he make upon that, do you recollect?

A.—I cannot recollect any observation in particular.

Q.—Do you remember after that any observation that Mr. Bingham made to you, that had a reference to the contents of that letter, when he saw you on any occasion? Do you recollect on any occasion when you saw

him his using any language that referred to the contents of the letter?

A.—He said to me, well, Dick, you are not shooted yet.

Q.—Did he make use of that observation to you more than once?

A.—Once or twice.

Q.—Are you sure of the words; well, Dick, you are not shooted yet, or killed, or shot?

A.—Shooted.

Lord Chief Baron.—That is the common way common people say that.

Mr. Garrow.—It is not, my Lord, they say shot.

Q.—I believe you and your family went on one occasion to spend the evening at Mr. Bingham's?

A.—Yes.

Q.—Was that on the Christmas night?

A.—Some where in the Christmas week.

Q.—By an invitation from Mr. Bingham?

A.—Yes, sir.

Q.—You and your family went there to spend your evening?

A.—Yes.

Q.—What observations did Mr. Bingham make that night;—and as nearly as you can express them in his own words?

A.—I did not go there till after tea.

Q.—You had another engagement?

A.—I had. He said he was very sorry I did not happen to get there sooner.

Mr. Garrow.—Well, sir.

A.—I told him I had been engaged elsewhere; I said I was very glad to see them so comfortable.

Mr. Garrow.—Well.

Witness.—Then you are not shooted yet as you came home.

Lord Chief Baron.—Well, witness,—Did you ever make the subject-matter of that letter matter of jocular conversation before?

A.—Never.

Q.—What answer did you make to that observation?

A.—I said, no, and hoped I never should.

Q.—Did he ever then, or in the course of that evening, throw it out jokingly again?

A.—Yes, we were sitting spending the evening together, and I did not take it just in the right way;—I thought it was not pleasant.

Q.—What did you say to him?

A.—I said, by God, sir, if I had not so good an opinion of you as I have, I should have thought you had written that letter.

Q.—What did Mr. Bingham do?

A.—He turned his head away from me, and said, aha! ha!

Q.—Set up an affected laugh?

A.—He did.

Q.—Was this subject afterwards ever mentioned again, except in the shape of your charge before the magistrates after that evening?

A.—It was mentioned no more that evening.

Q.—Was it ever afterwards till you made your complaint?

A.—I cannot say any thing about that.

Q.—It must be a good month before the time when you laid your letter, your complaint, before the magistrates, or at least it was nearly so?

A.—Yes.

Q.—I take it for granted, Mr. Jenner,—indeed we have heard, after you came home you made no secret in the parish that you had received this letter?

A.—I did not. I shewed it to my neighbours and friends, and desired them to assist me.

Q.—And it was the subject of discussion?

A.—It was.

Q.—I believe you stated that you had received such a letter from your wife, at a numerous meeting of your friends and neighbours?

A.—I did.

Q.—At a meeting of your neighbours to assist in the protection of your property against thieves, &c.

A.—Yes, sir.

Cross-examined by Mr. Gurney.

Q.—I believe, Mr. Jenner, you returned from London on the 21st?

A.—It was on Thursday, the 20th.

Q.—And you called on Mr. Bingham the next day, or the next day but one?

A.—It was not till Sunday.

Q.—Did you leave on one occasion this letter in his hands?

A.—Never.

Q.—Did you not give it to him to copy?

A.—Never.

Q.—You showed him the letter?

A.—I shewed him the letter in the church.

Q.—Did you shew it him any where else?

A.—Not to my recollection.

Lord Chief Baron.—You shewed him that letter

in the church on Sunday;—that was on Sunday after you returned, on the 23d of December?

A.—Yes, my Lord.

Mr. Gurney.—It was found on Sunday, the 16th of December last, and it was on the following Sunday you shewed it to Mr. Bingham:—now you have fixed on two letters particularly as your reason for believing the letter now under consideration is his hand-writing. The first is the capital R, the last stroke of which, instead of being round, turns up sharp?

A.—It is not like another person's R. When I took that letter in my hand, I took it to be Mr. Bingham's writing.

Q.—Now the reason you have given is, that, from the bottom of that R, there is a sharp turning-up, and it is because this resembles the R Mr. Bingham writes?

A.—Not altogether, but there is a resemblance.

Q.—There is one of your own papers:—does it resemble the least in the world that R in the letter?

A.—They are turned off a little shorter.

Q.—Look at the R's in the threatening letter, and at the R's in that paper of your own *(handing them to him)*.

A.—The resemblance there is not so good as some are.

Q.—Is there the least resemblance between these R's?—Is there any resemblance between these two R's?

A.—I think there is.

Q.—Is there any resemblance in that particular you mentioned to my friend about the sharp turn-up?

A.—Not there:—there is not a resemblance.

Q.—You observed also that there was an f in Maresfield that is like the f as written in the threatening letter, without a loop?

A.—In general he does not make his f's with a loop at the bottom.

Q.—Look at that *(handing up one of the papers to him)* and say whether that is not a loop?

A.—I cannot call that a loop.

Q.—Do you call that a loop? *(shewing him one of in another paper.)*

A.—That is what I call a loop.

Q.—You never saw a plainer loop in your life.—Is that his writing also?

A.—Yes, sir.

Q.—Now, Mr. Jenner, at one period you thought this letter had come from some of the foresters?

A.—I certainly did, from Mr. Bingham's first mentioning it.

Lord Chief Baron.—From his first mentioning what?

A.—He did so at one time. He had suspected a man at the *Hare and Hounds.*

Q.—He named some person, some particular person?

A.—Yes, he did.

Q.—What was the name of that person?

A.—Goldspring.

Q.—I beg to ask you, sir, whether you never said you believed it to be Goldspring's hand-writing?

A.—Never.

Q.—Did you not state that on your examination before the magistrates?

A.—Not to believe it was his hand-writing.

Q.—Did you not say that you yourself believed it to be Goldspring's hand-writing after Mr. Bingham had suggested it was his hand-writing?

A.—Never.

Q.—Did you ever say you believed it came from Goldspring?

A.—Never.

Q.—You never said so?

A.—I never said so: I never said I thought that he wrote it.

Q.—That you never said you thought it came from Goldspring?

A.—Not to my recollection.—If I recollect it I will not deny it.

Q.—I do not say you will Mr. Jenner. The foresters in your neighbourhood are a set of people,—some of them are people of whom a thing of this sort might be expected?

A.—I cannot say.

Q.—Such things have been in your parish in former times,—a threatening letter?

A.—There was a letter dropped, but not a threatening letter?

Q.—But some ugly letter, though there was no burning of houses?

A.—A letter was dropped in the parish but not threatening, and a faggot-stack was fired.

Q.—They were a very bad set of people?

A.—They are like people in other countries. They never injured me.

Q.—But they are a set of persons who will have their own way?

A.—I cannot say about that, any one person more than another.

Q.—You do not mean to say they are patterns of moral perfection to copy from? Patterns of correct conduct?

A.—No, not in particular.

Q.—Did you never say they had threatened to shoot you, and to destroy your property.

A.—Never: I had a letter, only nick-names.

Mr. Garrow.—I am afaid we ought now to interpose. We are going too far.

Mr. Gurney.—Mr. Jenner did you ever tell any body that you suspected the foresters?

A.—I never told any body I suspected the foresters. I did not know who it was: I wanted to know.

Q.—I want to know whether you ever did say to any person whatever that you suspected the letter had come from the foresters?

A.—I cannot say; to a particular person I might.

Q.—It would be rather remarkable if you had gone to a distance from your home to say that?

A.—If I said that, it was at the House of Correction at Lewes.

Q.—Did you not say so at the House of Correction at Lewes?

A.—I really cannot give it a recollection.

Q.—Did you go to the House of Correction at Lewes when a man of the name of Best was there in custody?

A.—I did.

Q.—Did you not say you believed the letter came from the foresters, and that Best, if he chose, could give some information about it?

A.—I did not say I believed it, I might think it.

Q.—That you believed it came from the foresters, and that you believed that Mr. Best could give some information. Do you make a difference between thinking and believing? Did you not say it?

A.—If I recollect, I think I said so.

Q.—And do you not think that you said you believed Best could give some information?

A.—I said perhaps I thought he might know something about it. And this I did by the order of Mr.

Bingham and the rest of the inhabitants, who wished me to do it.

Q.—The principal inhabitants of your parish wished you to learn, from the keeper of the House of Correction at Lewes, some information respecting this letter, and to try to find it out? You shewed the letter to the principal inhabitants?

A.—Not to the principal inhabitants.

Q.—Do you remember shewing it to the meeting of the society?

A.—Yes, I did.

Q.—How many persons might there be present?

A.—Eight, ten, or twelve.

Q.—Of the principal inhabitants of Maresfield?

A.—Yes.

Q.—All of you desirous of finding out who was the author of it?

A.—Certainly.

Q.—Perhaps you suspected the other inhabitants of Maresfield?

A.—I cannot say, we might, we were anxious to find it out.

Q.—When you did this, it was with a view to find out who wrote it, and who was the author? How long has Mr. Bingham been the curate of your parish?

A.—I cannot positively say, five or six years.

Q.—I ask you whether he has not discharged the duties of his office with a great deal of assiduity and care ever since he has been your curate?

Lord Chief Baron.—Has he discharged all his duties with great attention to his parish?

A.—Yes, I have nothing to say to the contrary.

Mr. Gurney.—He has been instrumental in the cata-

blishment of a school for the education of children, in which are educated thirty girls of Maresfield?

A.—No, sir.

Q.—I mean a charity-school for the education of twenty or thirty girls?

A.—Yes, by his soliciting the subscriptions, and taking an active part in it.

Q.—I do not mean, Mr. Jenner, that Mr. Bingham was at all the expense of it: I do not mean to deprive you of the merit of your subscription, but only that he suggested the plan and was instrumental in establishing a charity-school for the education of the children of the poor inhabitants, and which is very much to your honour and to your advantage; he was the treasurer, and took some of the trouble of it?

A.—Yes, he did.

Q.—I believe, Mr. Jenner, you went to Mr. Cramp's, at Lewes, for advice?

A.—I did, sir.

Q.—On what day?

A.—I cannot say.

Q.—Do you remember when it was?

A.—I cannot particularly say when it was: I went with my brother.

Q.—How long after you came home from London; within a week?

A.—I think it was less than that, I think it was on the next Saturday.

Q.—That would be the 22d of December?

A.—I am not positive: I went to Mr. Cramp's for advice, and to find out who was the author of the letter. It was within a few days after I came home from London.

LORD CHIEF BARON.—It was shortly after. Can you state from your recollection that it was within a week?

A.—I do not recollect, I cannot positively say.

Mr. GURNEY.—It was some time before you made this charge on Mr. Bingham?

A.—O, yes.

Re-examined by Mr. GARROW.

Q.—Mr. Jenner, I must ask you a question or two. You have been asked about the foresters; the letter speaks of fifty good fellows determined to keep our lands; had any persons enclosed any public land?

A.—Yes, they had enclosed some land.

Q.—Had any of these enclosures been thrown open by those who claimed the right of common? Had any of the fences been thrown down?

A.—The fences in general were all thrown down.

Q.—Did you ever know any human being suspect any foresters or Goldspring till Mr. Bingham told you he suspected Goldspring?

A.—No one person whatever.

Q.—Had you any suspicions of him till Mr. Bingham told you he suspected him?

A.—Not particularly.

Q.—Did you suspect that he wrote that letter, or caused it to be written, till Mr. Bingham told you he suspected him?

A.—No, I did not.

Q.—Had you any other ground for suspicion till Mr. Bingham told you to suspect him?

A.—He went for his license and it was not granted.

Mr. GARROW.—That is not an answer to my question.

Mr. Bingham would not grant him what was necessary to have a licence, and in consequence of that there was some ground by him to say that he suspected him; I am not asking that:—but my question to you is, had you any suspicion that Goldspring meant to do you a mischief, or had any thing to do with the writing or sending this letter, but as Mr. Bingham told you he suspected him?

A.—None: I never knew that he had any animosity against me.

Q.—Your application to the keeper of the House of Correction at Lewes, did it proceed from yourself or Mr. Bingham?

A.—From the advice of Mr. Bingham and the principal inhabitants of the parish.

Q.—You told me you could not think that your friend and a clergyman could do such a thing: but, except that, was your opinion ever altered as to the writing of that letter?

A.—I thought it was his writing, but thought he could not do it: I could not harbour the thought in my breast.

Q.—You were convinced of the fact, though you were unwilling to believe your friend could do it?

Lord Chief Baron.—You did not accuse him in plain terms of doing it?

A.—I thought it a delicate point.

Mr. Garrow.—Now, my Lord, I propose to read the letter.

Lord Chief Baron.—At the time the forest was thrown open were there any threats by the foresters that they would revenge themselves?

A.—I did not hear any.

Q.—Had Mr. Bingham any part of these inclosures?

A.—Yes, it was called his.

Q.—And was that thrown open?

A.—It was thrown open.

Q.—The whole was levelled?

A.—The whole was levelled, my lord.

Q.—Was it really his, or only called his, or done by a tenant of his?

A.—I cannot positively say, the man is here, my lord, who knows whether he did it or not.

Mr. Garrow.—My lord, I now propose to read the letter.

This letter was directed to Mr. Richard Jenner, and was read by the associate, as were also part of the papers, in Mr. Bingham's hand-writing, and produced by Mr. Jenner, marked B. C. D. E. F. G. and H. which had the same water-mark of Evans and Sons, 1806, which was on the threatening letter, and to shew the resemblance between the prisoner's hand-writing and the writing in the letter.

Mr. Garrow.—That is the letter you received from your wife?

A.—Yes, sir.

Q.—You, at one time, put it into the hands of Mr. Hopper?

A.—I did.

Lord Chief Baron.—Had it been in your hands from the time you received it from your wife?

A.—Yes, till it was first given to Samuel Libiter to take copies.

Q.—Was it out of your sight?

A.—Yes, sir.

Q.—You have no doubt this is the same letter your wife gave you?

A.—I am confident of that.

SAMUEL LIBITER, *examined by* Mr. GARROW.

Q.—Your Christian name is Samuel?

A.—Yes, sir.

Q.—Pray did Mr. Jenner give you that letter to copy, to be sent to the Insurance-Office?

A.—He did.

Q.—Did you give it him back in the same state in which you received it?

A.—I did.

Mr. GARROW to Mr. JENNER.—And then after that you put it into the hands of Mr. Hopper? Was it out of your sight, Mr. Hopper?

A.—I gave it to Mr. Smith (clerk to Mr. Hopper).

Mr. SMITH *examined by* Mr. GARROW.

Q.—Mr. Smith, did Mr. Hopper deliver you a letter to copy?

A.—Yes, sir: that is the letter.

Q.—Did you deliver it up in the same state you received it?

A.—Yes, sir.

Q.—To Mr. Hopper?

A.—To Mr. Hopper.

Q.—And did you deliver back that letter in the same state to Mr. Jenner?

A.—I did.

RICHARD TRILL, *examined by* Mr. POOLEY.

Q.—Mr. Trill, I believe you are a farmer, are you not, living in the parish, near Maresfield?

A.—Yes, sir.

Q.—Had you any sons at school with Mr. Bingham?

A.—I had three.

Q.—How long since?

A.—About a year and a half ago: I cannot distinctly state the time of the last boy.

Q.—During the time your sons were at school with him, did you ever receive any notes or bills from him?

A.—Sometimes I had notes.

Q.—Did you ever see him write?

A.—I never saw him write above once; the bills I have in my hand I received from him for schooling.

Q.—On those bills have you settled the accounts with him?

A.—Yes.

Q.—And acted on them as Mr. Bingham's bills?

A.—Yes, sir.

Q.—Have you got any receipts there from Mr. Bingham?

A.—Yes, sir, do you wish to see them.

(They were handed over by the witness to the learned counsel.)

Mr. Garrow.—Are they in their order of dates?

No answer.

Mr. Pooley.—Now, Mr. Trill, did you ever see Mr. Bingham's hand-writing?

A.—No farther than these accounts.

Q.—Now, Mr. Trill, *(having handed up to him the threatening letter,)* after having seen Mr. Bingham write and transacted business with him on these bills, can you say whether you believe that letter to be Mr. Bingham's hand-writing?

A.— I do, sir: I firmly believe it is.

Q.—Have you read it, sir?

A.—I have.

Q.—Have you seen the direction?

A.—Yes, sir.

Q.—You firmly believe it is his hand-writing?

A.—I firmly believe it is Mr. Bingham's hand-writing.

Cross-examined by Mr. Common Serjeant.

Q.—I think you say you never saw him write more than once?

A.—No.

Q.—And the other times were the bills you received from him,—that is all the means you have of forming a judgement on that subject?

A.—Yes, it is.

Q.—Do you look on that to be his common hand-writing?

A.—No, sir; not all of it.

Q.—Does that seem to be a disguised or a natural hand?

A.—It appears to be some natural and some disguised.

Q.—Some natural and others disguised?

A.—Yes.

Q.—And with only these means you have formed your judgement, having only seen him write once, and having received these two or three bills?

A.—And other writings that I have seen besides.

Mr. Pooley.—Besides the bills you have put in, you have seen other writing of his?

A.—Yes.

Mr. Common Sergeant.—This gentleman taught a great many persons to write?

A.—He did.

Q.—Mr. Bingham was teaching a great many persons to write?

A.—Yes, sir.

Q.—Do you not find it a very common thing, when a person writes after another, to catch, very naturally, a great deal of his manner of hand-writing?

A.—I never saw a copy of Mr. Bingham's.

Q.—Your sons always write from a copy?

A.—In all the books my sons had I never saw his hand-writing as a copy.

Q.—Is it not natural in writing and copying from another to catch his manner of hand-writing?

A.—It is.

Mr. Common Serjeant.—I should think if any body had tried to imitate Mr. Bingham's hand-writing he would have done it more exactly.

Re-examined by Mr. Garrow.

Q.—A boy catches the manner of the writing of a person whose writing he is copying?

A.—Yes.

Q.—As far as your knowledge extends, could those who learned of Mr. Bingham have catched his manner of writing from his private papers?

A.—No.

Q.—What did they write after?

A.—From copper-plate copies.

Q.—Would that enable them to catch a manner of hand-writing which they had no opportunity of seeing?

A.—I do not suppose it would.

John Knight, *examined by* Mr. Garrow.

Q.—You reside at Maresfield, Mr. Knight?

A.—Yes.

Q.—How long have you lived there, sir?

A.—All my life.

Q.—How long have you known the Reverend Mr. Bingham?

A.—All the time he has been there.

Q.—That is five or six years?

A.—I believe it is.

Q.—Attend to me: have you, during the greatest part of that time, transacted business with him, to bring you acquainted with his manner of hand-writing?

A.—Yes.

Q.—Now how long have you been in the habit of seeing his hand-writing.

A.—Two or three years.

Q.—Have you occasionally seen him in the act of writing?

A.—Yes.

Q.—Did you by that means become well acquainted with his character and manner of writing?

A.—Yes.

Q.—He was the curate of the parish of Maresfield and had the whole business of the church to manage?

A.—Yes.

Q.—Had you any parish-office to perform during any part of that time?

A.—Yes.

Q.—What?

A.—Overseer of the poor in the parish.

Q.—That brought you very much together.

A.—Yes.

Q.—As to matter of accompts?

A.—Yes.

Q.—Do you consider yourself as well acquainted with his hand-writing?

A.—Yes, sir.

Q.—Look first at the superscription; whose hand-writing do you believe that to be?

A.—Mr. Bingham's hand-writing.

Q.—Do you speak of it with a considerable degree of certainty, or have you any doubt about it? Look at the outside first?

A.—Yes, I am satisfied it is his writing?

Q.—Open it; do you open it and look at its contents; do you believe that to be all Mr. Bingham's hand-writing?

A.—(*After looking at it*) I do not know for the whole.

Lord Chief Baron.—Do you believe all the rest to be his?

A.—I do.

Mr. Garrow.—If you had seen that lying at the post-office or on Mr. Jenner's table un-opened, should you have believed this to be Mr. Bingham's writing?

A.—Yes.

Q.—Should you have entertained a doubt on that subject?

A.—No, sir.

Q.—Was there any particular letter or letters in Mr. Bingham's manner of ordinary writing that struck you as singularities, before this transaction of the threatening letter? Had you observed any thing singular in the formation of any particular letter?

A.—Yes.

Q.—What had struck you as being singular.

A.—The *f*'s and *R*'s.

Q.—These had struck you.

A.—The *f* had struck me in Maresfield.

Q.—When you mention *R* do you mean the capital *R* or the final *r*'s?

A.—I mean the capital *R* in the superscription of "*R*i."

Q.—Had you observed before this letter that he cast

some letters, that differed from those of the generality of mankind?

A.—No.

Lord Chief Baron.—About *f*'s and *R*'s.

A.—I had observed the *R*'s.

Mr. Garrow.—Do attend, sir: supposing these transactions had never taken place, did he make any of his letters in a singular way and which were unlike other people's in general? Was there any thing odd that struck you as differing from the manner in which other people made them? Did he make his *R*'s like other people?

A.—I knew them from another *R*.

Mr. Garrow.—You knew them from the *R*'s of other people?

Lord Chief Baron.—Did you know his *R* from other people's?

A.—Yes.

Mr. Garrow.—He made his *R* in a particular form?

A.—Yes.

Q.—And you find that in this letter?

A.—Yes.

Q.—And you have no doubt that is his hand-writing?

A.—I have no doubt of it.

Q.—Have you got any papers there with the water-mark of Evans and Co.

(He produces some papers.)

Q.—Whose writing is that? Is it Mr. Bingham's?

A.—Yes.

Q.—These are private papers you had from him before he was taken into custody?

A.—Yes.

Q.—And they have remained among your private papers?

A.—Yes.

(One paper was dated February 1, 1810, the water-mark Evans and Co. 1806.)

Q.—Have you any other with the water-mark of Evans and Co. upon it.

(He hands over another.)

Q.—This was likewise among your private papers and has been found since Mr. Bingham was in custody?

A.—Yes.

Mr. Garrow.—This, my lord, is a whole sheet of paper, and not only contains the water-mark of Evans and Sons, but on the other half-sheet is a statement of charity for educating the children, and signed by Mr. Bingham, from Easter, 1809, to March 25th, 1810; and on this Mr. Ri. Jenner occurs; and your lordship will observe how the capital J. is formed.

Q.—Have you any other paper with that water-mark?

A.—No, sir.

Cross-examined by Mr. Gurney.

Q.—You mentioned something about *f*?

A.—Yes.

Q.—What was the peculiarity in the *f*?

A.—It was *R*, sir.

Q.—Did you remark the *f* at all?

A.—Yes.

Q.—What is your observation on the *f*?

A.—It is a right-down *f* and no loop at the bottom.

Q.—That you say is peculiar to him in the way he forms the *f*, and that is one of his singularities; now, sir, look at that, which is also his writing, *(handing up a paper to him)* did you ever see a plainer loop in your life than in that word which I have pointed out to you on that paper? You say that is also his writing?

A.—I do not know.

Q.—Do you believe it to be his writing or not?

A.—I believe the other to be his writing.

Q.—Take it into your hand, sir; do you believe that to be his writing?

A.—*(After looking at it)* Yes.

Q.—Is your belief stronger or weaker upon that subject?

A.—I believe it to be his.

Mr. Gurney.—It is the receipt, my lord, which Mr. Trill produced.

Mr. Garrow.—In the forming of these particular letters, that is the general character, such as you would have acted on and considered it as his writing?

A.—Yes.

Q.—Did your boys go to his school?

A.—Yes.

Mr. Gurney.—Did not Mr. Bingham teach them to write, by imitating his own writing?

A.—They did not go but a little while: I understand he set them copies while they wrote single letters; but, when they came to write words by joining several letters together, they had copper-plate copies.

Q.—Was it not his habit to set them by his own writing?

A.—I believe it was.

John Maynard, *examined by* Mr. Pooley.

Q.—Mr. Maynard, you are a shop-keeper at Mares field?

A.—Yes, sir.

Q.—Have you ever transacted any business with Mr. Bingham?

A.—Yes, sir.

Q.—Have you ever seen him write?

A.—I have, sir, at times.

Q.—You have occasionally seen him write?

A.—Yes, sir.

Q.—Were you ever in the habit of giving him cash for accommodation-bills?

A.—Yes, sir.

Q.—You and he have dealt in that manner?

A.—Yes, sir.

Q.—For how long?

A.—Three or four years back.

Q.—From the business you did with Mr. Bingham, had you frequently an opportunity of seeing him write?

A.—Very seldom, but I have seen him write.

Q.—From the knowledge you have of his hand-writing, look at that, and say whether you do or do not believe that is his hand-writing?

A.—I do believe that is his on the outside.

Q.—Now look at the inside, sir. What do you think of that? What is your belief of the contents? Do you believe that to be his writing?

A.—I cannot tell that.

Q.—I do not ask you positively; what do you believe?

A.—It is a *fictitious* hand.

Q.—It is a fictitious hand; do you believe the writing to be his?

A.—I believe the direction is.

Samuel Atree was here called, but did not answer.

RICHARD ANDREW TURNER, *examined by* Mr. GARROW.

Mr. GARROW.—Mr. Atree is not just at hand, and therefore I shall examine Mr. Turner.

Q.—Mr. Turner, I believe you are the attorney of Mr. Rivett?

A.—I am.

Q.—Where do you reside?

A.—At Lewes.

Q.—I believe you are concerned for the Reverend Mr. Rivett, who is the rector of Maresfield?

A.—I am.

Q.—Since Mr. Bingham became curate of Maresfield, you had frequent opportunities of transacting business with Mr. Bingham, concerned as you are for the rector?

A.—Yes.

Q.—Now, sir, having seen him write frequently, have you acquired a competent knowledge of his character of writing?

A.—Yes, sir.

Q.—Now, sir, take that letter into your hand, and say if you had seen it at the post-office window, or lying on a table, whose hand-writing should you believe that to be impressed on that letter?

A.—The hand-writing of Mr. Bingham.

Q.—You must not compound your answer at all of any comparison you have made with your letters from this person; but referring back to that character, formed in your mind by Mr. Bingham's hand-writing, can you say whether you have a belief that is or is not his hand-writing?

A.—I can by a comparison of it with other hand-writing.

Q.—A comparison of a hand-writing with other hand-writing cannot be permitted: The question is, whether the character of that paper agrees with the character antecedently impressed on your mind of Mr. Bingham's hand-writing? If you have no such knowledge, say so,

and there is an end of it. Have you any belief, or previous knowledge, of Mr. Bingham's writing? Referring to that alone, and excluding every thing else, do you believe that to be his hand-writing?

A.—I do.

Q.—Now open it?

A.—I do firmly believe it.

Q.—What is your belief, sir, with respect to the contents of that letter?

A.—That they are likewise Mr. Bingham's hand-writing.

SAMUEL ATREE, *examined by* MR. GARROW.

Q.—Mr. Atree, I believe you are a smith at Maresfield?

A.—Yes, sir.

Q.—Have you been employed occasionally by Mr. Bingham?

A.—Yes.

Q.—Have you received money from him for something he received?

A.—Yes.

Q.—Did he write the form of the receipts occasionally?

A.—I cannot exactly speak to that.

Q.—Have you seen him write?

A.—Yes, frequently, yes.

Q.—And, besides that, frequently seeing his hand-writing?

A.—Yes.

Q.—Will you look at that, *(handing the threatening letter to him,)* and say whether you believe that to be Mr. Bingham's hand-writing?

A.—*(After looking at it)* I believe it is.

Q.—Be so good as to open it: Do you believe that to be his hand-writing?

A.—*(After looking at it, he said)* There is a resemblance, sir, certainly.

Q.—Does that resemblance to the character you have observed in his writing induce you to believe it to be his?

A.—Yes, sir.

Q.—And do you, in your conscience, believe it is his?

A.—I do.

Cross-examined by Mr. Common Serjeant.

Q.—Were you a member of the Society for the Prosecution of Felons?

A.—Yes.

Q.—When did you first see that letter?

A.—On a Thursday evening.

Q.—Was that the Thursday evening Richard Jenner said he had first seen it?

A.—Yes, sir.

Q.—Was John Maynard one of that society?

A.—Yes.

Q.—And Mr. Knight?

A.—Mr. Knight I think was not there that night.

Q.—Mr. Trill is one of that society?

A.—No, sir.

Q.—He is not?

A.—No, sir.

Mr. Susan, *examined by* Mr. Garrow.

Q.—Where do you reside, Mr. Susan?

A.—At Buckstead.

Q.—How long have you known Mr. Bingham?

A.—About four years, sir, I think.

Q.—Have you had occasion to transact business with him?

A.—I have.

Q.—To see him write?

A.—I have.

Q.—And to see his hand-writing when you have not seen him write?

A.—I have.

Q.—Be so good, sir, as to look at that letter? What was the nature of the business you transacted with him?

A.—I discounted some bills for him; I got them discounted for him.

Q.—That brought you frequently together, and made you acquainted with the manner of his writing?

A.—It did.

Q.—Be so good as to cast your eye upon the hand-writing in that letter, and say, from your acquaintance with Mr. Bingham's hand-writing, whose hand-writing do you believe that to be?

A.—To be Mr. Bingham's.

Q.—You believe that to be Mr. Bingham's; have you any doubt that it is Mr. Bingham?

A.—No, sir.

Q.—Have you any doubt as to either of them?

A.—I have not, sir.

Q.—Would you, in transactions between him and yourself, on that letter coming to you, would you have acted on it as his hand-writing?

A.—I would, though it is disguised; I can see through the disguise.

Q.—And you have no doubt that it is his hand-writing?

A.—I have not.

Cross-examined by Mr. Gurney.

Q.—Mr. Susan, have you been making any inquiry of the witnesses who have been examined, what they have been asked to while you were standing on the outside?

A.—I have not.

Q.—You have not asked any of the witnesses that have been examined what questions were put to them?

A.—No.

Q.—I mean (*putting the words*) have any of the witnesses, examined to hand-writing, told you, after they came out, "stick to your belief and that will do?"

A.—No.

Q.—None of them?

A.—None of them.

Q.—Nothing like that said?

A.—Nothing, sir.

Q.—And you have not made any inquiry of any man; of any of the witnesses?

A.—No.

Q.—You are sure yet that you made no inquiry of any of them as to the points they were examined to?

A.—No.

Q.—Has there been any thing said about the evidence they have given?

A.—No, nothing.

Mr. Garrow.—Have you had any conversation with any of the witnesses as to the questions they were asked?

A.—No.

Q.—Or did any of them tell you to "stick to your belief

and that would do;" or any thing relative to the cause?

A.—Nothing at all.

Q.—That you swear most positively?

Mr. Serjeant Best.—My lord, that is the case on the part of the prosecution.

DEFENCE

TO THE

FIRST INDICTMENT.

The case on the part of the prosecution being closed, The Lord Chief Baron said, Mr. Bingham, do you wish to say any thing in your defence?

The prisoner read the following defence:

My Lord and Gentlemen of the Jury,

The awful situation in which I am now placed before you will sufficiently account to you for any agitation which you may have observed in my behaviour, or for any incorrectness that may exist in the few observations to which I earnestly request your attention. I am charged with having sent a threatening letter to my neighbour and friend, Mr. Richard Jenner.—Now, gentlemen, you are possessed of the feelings of honest men, and will

readily admit, that it is not common for men, even of the most depraved habits, to commit desperate crimes without some temptation, or some inducement for such crimes, to draw them from the line of their duty. The minds of men, being differently formed, are acted upon by different motives: the love of revenge may lead one man into a crime; the pursuit of some lust or gratification may lead another astray; but, surely, gentlemen, there never has been an instance, within the knowledge of any of you, of a man committing a heinous crime, and exposing himself to ignominy and misery here, and eternal punishment hereafter, without being led so to do by any motive or temptation whatever.

Now, gentlemen, let me earnestly entreat you to consider whether this is not exactly the complexion of the crime with which I unfortunately stand accused before you.—Those persons who have given evidence against me this day have, one and all of them, admitted, and the prosecutor himself has told you, no quarrel had taken place between him and me; that we were not only neighbours but actually friends, and, to a certain extent, companions:—I can with real comfort assert, that, as I had never been injured, so I neither did, nor do now, harbour any ill-will towards him; his son and his nephew came daily to school to me: is not this, gentlemen, the most convincing proof of the estimation in which I was held by him, and of my being on terms of perfect good neighbourhood with him?

Now, gentlemen, allow me to ask you, as men and as Christians, whether it could enter into your hearts to believe, that I could do, not only so wicked, but so foolish and absurd, an act, and one so much without a motive, as that of which I have been so unhappily accused? But, if I could have committed so horrid an act,

I not only should have done it without any of those motives which commonly guide or give rise to human actions, but in the face of every inducement which would have pleaded strongly on the other side, and would have withheld me from the perpetration of it. Should I not thereby have been risking the loss of the friendship of my nearest neighbour,—exposing myself to the almost certain loss of my scholars,—and bringing down destruction on myself and on my family? Could I, gentlemen, have been so weak and stupid, as well as so wicked, as to have sent this letter, however disguised, into the house of my neighbour, and dropped it in the very eye of my pupils, who were in the daily habit of seeing me write? Gentlemen, this is not all: I hope this court will pardon me for intruding on its time while I point out a few circumstances which I think will render it more improbable that I could be guilty of the crime imputed to me: one of these boys, and only one, gentlemen, has remarked that he thought he saw the paper drop to the ground a little behind my horse; if by that he had thought it had dropped from my person, would it not have been natural for him, since I was only at the distance of 20 or 30 yards before him, to have called to me and said something has dropped from you? But the boy who was his companion did not tell the same tale; he saw nothing of the dropping of the letter; and John Jenner, when he gave the letter to his mother, wondered I had not picked it up; and this was admitted before the magistrates. If this boy had seen me drop the letter, or had thought I dropped it, would he not have said so to his mother ten minutes after he had picked it up? Surely you will allow that this is important; that, for four weeks after it was picked up, he never communicated to his father or mother that he saw it drop from me at all;

that was a thing kept in his own breast till he was examined, after the transaction took place.—Had he mentioned this to his mother when he delivered her the letter, she would not have observed, she supposed it had been dropped by the foresters, at the moment her son told her he saw it drop from his teacher.

There is great inconsistency in this part of the case.

Let us see likewise what the mother said:—that, when she opened the letter, she was much frightened, and observed to the boys that it must have been dropped by the foresters. Now, John Jenner would naturally have quieted his mother's fears by saying it had dropped from me; but no such thing was mentioned to her, or even to the father. If the boy, at that time, had really believed it had fallen from me, would he not have said: "No, mother, do not be afraid of the foresters, for I am almost certain it fell from Mr. Bingham, and that he must have meant it as a joke?" But you are told by the mother no such language fell from her son, but that he had only picked it up. What, then, gentlemen, must be the conclusion? Is it not that this boy, without a thought, I trust even without any idea in his own mind to speak untruly, since the reports so ingeniously and industriously spread against me, has imagined something in his mind which never really existed, and which he never thought of till he heard these reports: this has been the frequent subject of conversation in the neighbourhood, and not only children but men, after they have heard things reported, will fancy that they have seen something that resembles them; but, on the other hand, had he really seen the letter wavering in the air, I must remark it could be proved the road was not a common road but a road of a deep sand, where the horses' feet will go five or six inches down at every step, which, as I cantered

along, must have thrown up a considerable quantity of sand, and the letter in the air behind my horse.

It would be taking up the time of the court in vain to trouble you with farther observations on the nature of the evidence adduced against me, and which will be explained to you by the learned judge, who presides in this court, infinitely better than I can do.

Let me, therefore, only entreat you, gentlemen, to divest your minds of every bias which the various reports that have been industriously circulated against me may have occasioned; let me earnestly supplicate you to pause and most deliberately to examine the evidence (independently of any of the reports which, undoubtedly, have reached your ears, and most ears in this kingdom) brought against me, and pause on that before you, by your verdict, consign me, on such slight circumstances as have been stated, to eternal ignominy, and my numerous family to wretchedness and misery. A suspicion once raised against an individual, however free from guilt, travels on swift and rapid wings; and, in a country village, where the object is above the class of the vulgar, other circumstances are added, and they are soon willing to believe the fact and fancy they do believe it; but, I trust, you, in your justice, will endeavour to divest yourselves of all prejudices, and will confine yourselves strictly to the evidence. It is hardly possible for men to divest themselves of all the prejudices they have imbibed from the reports of others, and what was slight suspicion one day, by the tongue of rumour is converted into positive proof the next.

I do not complain to you of any evidence given against me: I have no doubt that, however their minds might be prejudiced, they have done the utmost in their power to lay aside that prejudice, but it is almost impossible for

human nature to do it. This business has been the constant conversation, for three months past, of all the little clubs and parties in the neighbourhood, and, therefore, without wishing to insinuate any thing against the character of the witnesses, it is obvious how much they have been exposed to prejudice from groundless reports, and how difficult it is to lay that prejudice aside. It is almost impossible by evidence to repel such a charge as this; circumstances, and circumstances only, are proposed to you, on which you are to presume my guilt.—What can I adduce but circumstances to prove my innocence, and arguments to shew the extreme improbability of my having committed so horrible a crime. The learned judge will, I have no doubt, tell you, that to establish a positive contradiction, in a case of this nature, would be a task almost beyond the reach of human power. But, at the time when the letter was said to be found, I do not deny I was on that road at the time mentioned by the boys, that I passed them on horseback, and that I joked with them; it was my constant practice, and my looking back after them was a natural circumstance; and, although I looked back to see how they took the joke, I presume that cannot imply I looked back to see whether they had taken up a letter which I had neither dropped nor seen.

I will not take up more of your time, or that of the court, but in expressing my earnest and unfeigned thanks for your attention, and for the indulgence that has been granted me.

I shall leave my cause, under the direction of Almighty God, in your hands; humbly, but confidently, hoping that you will, by your verdict of this day, acquit me of this dreadful charge, and thereby restore me to society, to my profession, to the arms of my afflicted family, and the support of my almost innumerable offspring.

EVIDENCE

FOR THE PRISONER.

JOHN REED, *examined by* Mr. COMMON SERJEANT.

Q.—Mr. Reed, I believe you are a stationer?

A.—Yes.

Q.—And reside in London?

A.—In Watling-street, No. 28, at the corner of Bow-lane.

Q.—Have you been in the habit, sir, of supplying the shops around, and particularly in the neighbourhood of, Maresfield, with paper?

A.—Yes, sir.

Q.—Among others did you serve the shop of Mr. Hobbs, of Newick, four miles from Maresfield?

A.—Yes, sir.

Q.—Do you know the distance, to the best of your recollection, from Maresfield?

A.—About three miles.

Q.—It is in the neighbourhood of Maresfield?

A.—Yes, sir, or nearly so.

Q.—Among the paper that you have furnished there, was there any paper bearing the water-mark of Evans and Sons, and of the date of 1806?

A.—Yes, sir; I have had occasion to sell a great deal of Mr. Evans's paper, which is manufactured at Derby, and is of the date of 1806.

Q.—Have you sent any of that sort of paper down to Mr. Hobbs in Newick?

A.—Yes.

Q.—Have you supplied other shops, within the neighbourhood of Maresfield, with similar paper?

A.—Yes, I have.

Q.—You have supplied other shops?

A.—Yes, sir, at Framfield.

Q.—That is two miles from Maresfield?

A.—Yes, sir.

Q.—Have you sent any with that water-mark to Mr. Holland, of Buckstead?

A.—I cannot speak with that confidence as to Mr. Holland.

Q.—But you sent it to Framfield?

A.—Yes, sir.

Q.—How far is Framfield from Maresfield?

A.—Not above two miles.

Q.—Then, of your own knowledge, paper, bearing the water-mark of Evans and Sons, and of the date of 1806, was circulating among the people in the neighbourhood of Maresfield?

A.—Yes, yes, I have a perfect knowledge of that.

Cross-examined by Mr. Pooley.

Q.—When was it you sent this paper to Mr. Hobbs, at Newick, and to the persons at Framfield?

A.—I have been in the habit of supplying Mr. Hobbs with paper these seven years.

Q.—I want to know for what time you have served Mr. Hobbs with this paper?

A.—I think for the last year and a half, or two years.

Q.—With that paper of 1806?

A.—Occasionally taking an order in six months.

Q.—Did you serve him before that period with paper with such water-mark?

A.—I am not positive; I cannot speak positively.

Q.—What is your customer's name at Framfield?

A.—Turner.

Q.—How many years have you supplied him?

A.—Eight or ten years.

Q.—How long with the paper of Evans and Sons?

A.—About the same time that I have Mr. Hobbs,—about a year and a half or two years?

Q.—Had you any other paper in your shop at that time except paper bearing the water-mark of Evans and Sons, and of the date of 1806; had you then in your shop the paper of any other manufacturers?

A.—Yes, sir; I do not confine myself to one maker only, but I am in a general way a stationer.

Q.—A stationer, not selling the paper of one particular maker; but you had in your shop, at the same time, the paper of other paper-makers?

A.—Yes, sir.

Q.—How can you tell that the paper you sent down to these two persons, Mr. Hobbs and Mr. Turner, might not be the paper of the other makers, and not paper of the manufacture of Evans and Sons?

A.—I speak with a degree of confidence, because I had so large a quantity at that period with that particular name.

Q.—That induces you to think you sent some of that; but you cannot undertake to say it was that paper?

A.—When I saw the paper sold to my customers.—

Q.—But you cannot now be certain that the paper that was sent to those persons was of Evans and Sons manufacture?

A.—I can only speak that my having bought a very large quantity of Mr. Evans's paper makes me think so.

Q.—My question is, that you cannot take on yourself to swear that the paper you had sent to those persons in the neighbourhood of Maresfield was of the manufacture of Evans and Son?

A.—I can swear so, having a great quantity of the paper of Evans and Son; that makes it clear in my own mind that I sent some of the same manufacture to the Rev. Mr. Bingham with the same water-mark.

Lord Chief Baron.—Having had a much greater quantity of the paper of Evans and Sons than of any other maker, you conclude your customers must have received some of that?

A.—Yes, my lord.

Q.—You supplied your customers with the paper of other manufacturers but you had most of that quality?

A.—Yes; were I to be asked whether I could speak so confidently respecting Mr. Bingham, there might be a distant shadow of a doubt, although I cannot form any at present. The question you put to me is, that I have other paper-makers besides Evans and Sons.

Q.—Then I take it for granted if you sent paper to Mr. Bingham you believe it came to him?

A.—I took orders from these persons.

Q.—When was it that an application was first made to you about giving evidence.

A.—I have got the date of the subpœna.

Q.—I wish to know the date of it, if you please, sir.

A.—Sunday, 25th March.

Q.—Were you ever applied to before that day about this paper?

A.—The 12th of February, I see, I had sent to me this paper.

Q.—Who applied to you, sir?

A.—I believe Mr. Guin, brother to the solicitor.

Q.—Did any person apply, on the part of the prosecution, to know whether you could give evidence on this subject?

A.—Yes, sir.

Q.—When, sir? When was it that they first applied; when was it they made application to you for information?

A.—I think it was last Friday.

Q.—Not before?

A.—Not before; I think not.

Q.—That was after Mr. Guin had made application to you on the part of Mr. Bingham?

A.—Yes, it was.

Q.—I understand you, at that time, refused to give any information?

A.—No, sir; Mr. Ellis's clerk came and read over some questions to me: there seemed to be three questions: I said, if you put them simply I will give you a distinct answer, to the best of my knowledge.—He wrote them down and left them, and said, when will you give me an answer to them? To-morrow. He left the questions with me in writing, which I have in my pocket-book. The next time he brought me a subpœna, and gave me a subpœna without saying any more.

Re-examined by Mr. Common Serjeant.

Q.—This gentleman having put some questions into writing, left them with you, and did not choose to call for any answer?

A.—He did not call for an answer, but left a subpœna.

Q.—Had you any earthly reason whatever for thinking

you sent or for sending different papers to Mr. Bingham from that which you furnished to your other customers in the neighbourhood?

A.—No, sir, by no means.

Q.—Have you the slightest doubt in your own mind that you sent that kind of paper into the neighbourhood that bears the water-mark of Evans and Sons, 1806;—have you any doubt that you sent paper of that description the same as you sent to Mr. Bingham?

A.—Not the least.

Q.—Did that then constitute the larger part of your stock?

A.—It did. I had a very large stock of that manufacturer; I sent it into the neighbourhood.

Q.—Must it not have been extraordinary, if you had sent any other?

A.—I wished to sell the larger stock off.

WILLIAM CRAMP, *examined by* Mr. GURNEY.

Q.—Mr. Cramp, I believe you are the keeper of the House of Correction at Lewes?

A.—Yes, sir.

Q.—Do you remember, in the month of December last, Mr. Richard Jenner calling on you, and shewing you the letter in question?

A.—No, sir, not in December.

Q.—Was it in January?

A.—Yes, sir, early in January; the 12th of January; he did not shew me the letter, but conversed with me on the subject of that letter.

Q.—Did he tell you by whom he believed the letter had been written?

A.—He said he wished to have some conversation with

me respecting a man I had in my custody, of the name of William Best, charged with a felony.

Mr. Gurney.—Well, sir.

Witness.—He said I had heard of a threatening letter that had been sent against him or to him.

Mr. Gurney.—Well.

Witness.—I said I had. He said I had got a man in my custody of the name of Best:—he wished to examine him in respect of the writing of that letter, for he had no doubt he knew the writer of that letter, for, or as, he was one of the fifty brave fellows.

Q.—Did he say brave or good fellows?

A.—Either the one or the other; he repeated the letter to me. I think he said he had left it with Mr. Hopper, but said he would shew it to me another day.

Q.—He said there was no doubt he (Best) knew the writer of that letter?

A.—Yes, he said there was no doubt it was written by some of the people called foresters; they were a people that had taken possession of a great part of the forest, and had firmly established themselves there, and were a set of people that lived upon plunder chiefly; that the gentlemen and the farmers were continually robbed and plundered; there was no doubt that it was done by these set of people; there was no doubt I should be able to get out of him who the writer was; and there is no doubt he must know it, and I will tell you a circumstance to shew you he must know it; that his old father was heard a few days ago to say, "Now, my son Will is in jail, I am afraid the truth will come out about this letter." I remarked to him, my Lord, I was surprised that the gentlemen did not take measures to root out that gang of thieves before they had made so strong an establishment. He said he and the other farmers had done every thing

in their power to root them out, and they would have done so, but there was a gentleman that had not done his duty; that, if he had done it, every thing would have been right. If it is necessary I will mention the gentleman's name.

Mr. GURNEY.—No, it is not necessary.

WITNESS.—Then I will not; it was not the prisoner.

Q.—It was plain that they and the farmers were not upon good terms?

A.—Certainly.

Cross-examined by Mr. POOLEY.

Q.—What day was this?

A.—The 12th of January last.

Q.—Was that before you had Mr. Bingham in custody?

A.—I do not recollect what day Mr. Bingham was brought into custody; I think Mr. Bingham was brought into custody on the 23d of January.

Q.—He said a set of foresters resided about Maresfield, who lived by plunder, and that it was done by that set of people?

A.—They had not sufficient property to support them, and they must live by plunder; that was what he represented.

Q.—And he represented Best was understood to be a person of that description?

A.—Certainly, to be a man of that description.

Q.—He made this application to you, to see whether you could not get some information from Best respecting this letter?

A.—Certainly.

Q.—And he was confirmed in that by what Best's fa-

ther said, that his son William was now in jail, and he was afraid the truth would come out in jail, but his belief seemed to be founded on what the father said respecting Best:—Was it so?

A.—No, I think not.

Q.—He told you that circumstance to satisfy you that Best must know it, and that circumstance to confirm his opinion was the declaration of Best's father, and that was one of the circumstances that induced him to believe that he (Best) knew by whom it was written?

A.—That was one of the circumstances that induced him to that belief.

Q.—He did not tell you it came from any one person?

A.—No, sir, he did not.

Re-examined by Mr. Gurney.

Q.—Did he represent himself, when he was with you, that he was in danger?

A.—Yes.

Q.—Did he tell you what precautions he had taken to guard against it?

A.—Every precaution. He said, nothing they could do would intimidate him.

Q.—Did he tell you what he carried in his pockets?

A.—I cannot say.

Q.—Did he say he carried loaded pistols in his pockets?

A.—I cannot say.

Q.—I believe it was he that brought Best to your house?

A.—That was for felony, for which he was acquitted at the ensuing quarter sessions.

LORD SHEFFIELD, *examined by* Mr. COMMON SERJEANT.

Q.—Lord Sheffield, how far is Sheffield-Park from the place where Mr. Bingham resides?

A.—About three miles.

Q.—From your place to where Mr. Bingham resides? How many years, my Lord, have you known Mr. Bingham?

A.—I knew him soon after he resided as curate at Maresfield, about 5 years ago. In consequence of the disorders of the parish, and for curing those disorders, there is no person in the county that has been more diligent than he has been. A great many of the complaints that have been made, in regard to public houses and different disorders that have been remedied, have been a great deal of the cause of that rancour that has been shewn against him.

Q.—Of his conduct as a man, and as a clergyman, what is your Lordship's opinion of him?

A.—I have had a very good opinion of him, especially on account of his exertions to suppress the bad morals of the people called Foresters, in that neighbourhood; I found him more active than any body in carrying into effect the instructions given at the Sessions.

Mr. GURNEY.—Before this time, my lord, did it come to your knowledge that threatening letters had been dropped in the neighbourhood?

A.—Several.

Mr. ARCHDEACON DOYLEY, *examined by* Mr. GURNEY.

Q.—Mr. Doyley, I believe you reside at Buckstead, in the neighbourhood of Maresfield?

A.—I do.

Q.—How long, sir, have you known Mr. Bingham?

A.—Ever since he has been curate of Maresfield; seven or eight years.

Q.—What has been his conduct, sir, as a man, and as a clergyman, during that period?

A.—He has done every thing that is worthy of a good man. He was very attentive to the morals of the people, in regard to public houses, and has a great deal of merit in founding a charity-school.

Q.—Did he do every thing a clergyman could do to promote good morals in his neighbourhood, and to teach his parishioners their duty?

A.—I think he did.

JOHN MARTIN CRIPPS, Esq. *examined by* Mr. COURTUP.

Q.—Mr. Cripps, you are a magistrate of this county, and reside at Lewes?

A.—I am.

Q.—Do you know the Rev. Robert Bingham?

A.—Yes, I knew him when he was curate of West Wrinston, from 1802 to 1804, I had frequent opportunities of dining with him, and on all occasions his conduct was perfectly correct. He was excessively attached to his country, and has done a great deal of good. He was a man of integrity and honour, and no man surpassed him as a kind parent and an affectionate husband. At that time he had eight or nine children, I believe he has now eleven.

Mr. COMMON SERJEANT.—Twelve.

Rev. Mr. Turner, *examined by* Mr. Common Serjeant.

Q.—What is your Christian name, Mr. Turner?

A.—Richard, sir.

Q.—I do not know in what part of the county you reside, sir.

A.—At Hatfield.

Q.—How long have you known the Rev. Robert Bingham?

A.—I think more than ten years.

Q.—During that time what has been his conduct as a clergyman, and a man?

A.—As far as it ever came within my observation, correct and rigid.

Q.—That is his general character, as far as it has come within your observation?

A.—Yes.

Q.—Has he been attentive to the morals of his parishoners?

A.—I believe he has.

Q.—What is the number of his children at present?

Mr. Pooley.—I object to that question.

Lord Chief Baron.—It ought to be a general inquiry.

Mr. Common Serjeant.—I would ask you, if I might be permitted, whether he was an attentive father in bringing up his children.

Mr. Pooley *interposing*.—It is not pleasant for me, as counsel for the prosecution, to object to that question; but it is equally unpleasant for me not to do my duty.

John Newnham, Esq. was here called but did not answer.

RICHARD BRADFORD, *examined by* Mr. COURTUP.

Q.—Mr. Bradford, you have been acquainted with Mr. Bingham these three or four years?

A.—Yes, I have, sir.

Q.—From the opportunities of your knowing him, and your acquaintance with him, what has been your opinion of his general character?

A.—The impression on my mind has been very much in his favour, since he has resided in the parish of Maresfield, both as a man and a parish-priest.

Mr. GEORGE MOTT, *examined by* Mr. GURNEY.

Q.—Where do you reside, sir?

A.—I reside at Brighton.

Q.—Have you known Mr. Bingham, sir, for any length of time?

A.—I have known him, as nearly as I can recollect, eleven years.

Q.—I beg to ask you, sir, during the whole of that time, what character has he maintained?

A.—I think a very good one indeed.

Q.—Both as a clergyman and as a man?

A.—Yes.

Rev. SACKVILLE BAYLE, *examined by* Mr. GURNEY.

Q.—Mr. Bayle, how long have you known Mr. Bingham?

A.—About four years.

Q.—I beg to ask you, during that time what character has he maintained?

A.—I never heard any ill of him, and in all respects he was most exemplary.

Mr. Common Serjeant.—I shall not trouble you with any more magistrates of the county.

CHARGE.

Lord Chief Baron.—Gentlemen of the jury, the case which has been laid before you is one of those that requires your best attention, for many reasons: In the first place, it is a case to which you should do justice, and to which you would wish to do justice; but it cannot be attained, in the present instance, without a painful attention to a great variety of circumstances: some things must be joined together, and you must discriminate others. On the one side, one thing is clear: it appears that the character and life of this gentleman, and his functions, render the commission of an offence, such as is imputed to him, very improbable: at first sight, it certainly does.

In the next place, I do not discover here any advantage or any gratification he was to receive by writing this incendiary letter, addressed to a person in the parish, with whom he was living on the most friendly terms. In general, we find some motive, some pecuniary interest, some pecuniary circumstance, that leads to the commission of offences, or that the criminal did

it to revenge himself for some supposed or real injury, or from the motive of malice, and to give pain to his neighbours from some difference or other; but, in the present instance, it seems to be absolutely GRATIS, or it is impossible this gentleman should have committed this crime. In general, you will look for some motive or other to lead a man to commit a crime for which he must be hanged. It is rarely that we see people doing acts which are to affect their lives without any visible motive: they are actuated by the diabolical motive of revenge, or some other wicked motive. But, in the course of the administration of criminal justice, there have been instances of persons found guilty of offences where no motive has appeared: it may undoubtedly be the case, but that can only be where you see a case so clearly proved, though you do not see any object the man had in doing it, the evidence against him is so clear, so strong, so powerful, that, although we perceive no motive, we suppose he must have had a secret motive. The evidence is so strong and irresistible that he has committed the offence, though without rhyme or reason, he is guilty; but, in a case where the evidence is not so strong, and where there may be a reasonable doubt on the subject, in that case the tables are turned the other way. Whereas, in this case, no possible reason can be assigned for doing this outrage to society: where it is done without any adequate reason, that evidence must be excessively clear indeed, which is to dispense with all guilty motives. It ought to be one of those cases in which you most clearly see your way, in the absence of any guilty motive, before you pronounce a verdict against a prisoner. If you have any doubt, then past character comes in and turns the scale in favour of the prisoner, but character cannot avail against demonstra-

tion; that it cannot do. But in cases where a jury cannot see their way clearly, then, and then only, character avails; because, certainly, when the balance is doubtful, and neither side clearly preponderates, character comes in and justly turns the scale in favour of the accused.

With these preliminary observations let us now proceed to sum up the evidence.

The first is a very young witness: with respect to ingenuousness or disingenuousness, young witnesses are the best or the worst. If they are ingenuous they are the best, and if disingenuous, the worst. In the present instance, this boy seems to be an ingenuous and well-educated boy, and, in all instances, means to be correct; he is a fine well-behaved boy, and, no doubt, what he says he believes is true: I make these observations on his character; but his tender age makes him more liable to error and mistake, and therefore you will watch over his evidence.

He says he is the son of Mr. Richard Jenner, that he knows Mr. Bingham, that he is the clergyman of the parish of Maresfield, he has been at school with him. It is more than two or three years ago since he first went.

He has been frequently, in the course of being at school, and that Mr. Bingham had taught him to write, and that he had seen him write; on Sunday, December 16th, he went to church, with his brother and cousin, they went at 10 o'clock, that the prisoner was at church, and performed the service there; the church is about half a mile from his father's house; that, as they were going home from church, Mr. Bingham overtook them on horseback, and said, in a jesting way, go out of the way or I will ride over you; he was at that time cantering on, and that when Mr. Bingham got past them they

saw a letter, John did, dropping on the ground; he cannot say that letter exactly dropped from the person of Mr. Bingham. At that time he was about 30 or 40 yards distance. He does not know where the letter dropped from; he saw it before the letter actually got to the ground. He did not see it so high from the ground as his own head, about 3 feet high. He says his reason for thinking it came from Mr. Bingham was because he saw it flying to the ground. At that time he says the prisoner was a short distance before the letter. The letter kept floating, or wavering, in the air.

Now, it is most essential, in a case of this sort, that you should be satisfied the prisoner at the bar is the person who set that letter agoing, although the word which the act of parliament uses is the word "sending," it admits of a larger sense than it has in common parlance, and, in the judicial sense that has been given to it, would include the case of a person dropping a letter, though it might never reach the person to whom it was directed. Now here is the absence of any positive and direct evidence, to shew the prisoner at the bar set this letter agoing, and satisfied you must be that he sent that letter, and nothing will satisfy you but the most conclusive evidence; you must be satisfied as you would be if a witness swore he saw him give it to me. Now the evidence of that boy consists of these circumstances; he saw the letter flying in the air; he saw it fall, but he cannot undertake to say the letter fell from Mr. Bingham's person, and you must be satisfied of that; but he cannot undertake to say it came from Mr. Bingham's person, and when he saw it touch the ground Mr. Bingham was two or three yards before it. He says that no one was near that place, where the letter fell, but Mr. Bingham: but that, he did, indeed, see a man, and

woman, and two children, turn the corner before the prisoner came up, and were more than 30 or 40 rods before him: he did not think they had turned round the corner before the letter dropped, though he is not quite sure. He picked up the letter.

He (Mr. Bingham) makes himself known to these children, and jokes with them familiarly, so that his person was perfectly known to them. Now that is their situation;—he was in the situation of being known by them; that he should commit a capital felony, by taking this letter out of his pocket and dropping it on the road, which was the sure means of exposing himself, not to the man, and woman, and to the two children, but to drop it in the face of two witnesses, who knew him perfectly, for the purpose of committing a capital crime, and he could not possibly suppose they would not see it. That he should have taken the opportunity of doing this in the presence of these two lads, to whom he was well known, is almost incredible. I mention that here in order that you may look at it with attention.

Next he tells you he looked back to him and his cousin very much, to see whether they had detected him: what could he expect? What occasion was there to look back? He looked back extremely, to see what they would do on the supposition of his having dropped this letter from his pocket, to see whether they would pick up the letter and whether they would become witnesses. He then carried it to his mother. It was wafered up. When the letter was picked up the witness said he thought it was the prisoners hand-writing, and the other boy, his cousin, thought it was not. Now, therefore, on the first blush of this business, we have these two scholars of Mr. Bingham's, the one holding it to be his hand-writing and the other holding it not to be his letter. It was after-

wards stated, this hand-writing was conceived to be Mr. Bingham's, from the general look of it. He went next morning, *bona fide*, to ask for a christmas-piece, when Mr. Bingham said to him, well, John, you found a pretty letter yesterday? John answered; yes, sir, I did, and said nothing farther. That was about nine o'clock in the morning. But afterwards it appears in evidence, that a conversation had taken place between Mrs. Jenner and Mrs. Bingham respecting this letter, on the preceding day, so that the fact of its being found was very well known on both sides. If the prisoner at the bar was so far devoid of all his senses and of common reason, as is frequently the case of persons committing crimes; suppose him to be so far devoid of sense as to throw down this letter, and they had looked and seen him do it, and when the witness called on him the next morning, he should say, John you found a pretty letter yesterday. Yes, this lad had found a letter, and undoubtedly a letter, according to the charge, according to the evidence, a letter which he had personally dropped out of his own pocket. And yet the next morning he said this unnatural, to be sure it is, and egregious folly; but whether so egregious as may be imputed to any body, is what you will consider, when you have heard the rest of the evidence, on the cross-examination.

The mother had shewn it to the father when he came home, who mentioned it afterwards to the prisoner himself. If the witness had seen Mr. Bingham throw it down, (he does not say that he did,) but if he had been fully persuaded in his own mind that it had been dropped by Mr. Bingham, if any of you, for instance, gentlemen, had seen a letter fall out of the pocket of another, what would you say? Here is a letter, I saw John Thompson drop it out of his pocket. But what this wit-

ness swears shews his diffidence of its coming out of his pocket. He is by no means sure it came from his person. And if Mr. Jenner shews his diffidence in his own supposition, that he did not see it drop from Mr. Bingham's person, it is an important circumstance as to the mother, when the witness brought the letter to her, he did not give it her as Mr. Bingham's letter.

It turns out afterwards that Mr. Bingham's hand-writing could not be very well known to his scholars. When they got the length of joining letters, it appears, from the evidence, he gave them copper-plate copies to write from. This young man had gone to school to Mr. Bingham and he saw his hand-writing of course. William, his cousin, had frequent opportunities also, from having been at his school, and even down to the last holidays, of seeing him write, and contradicts the other boy, John, in his notion of the hand-writing of Mr. Bingham. He himself never got common paper to write on from Mr. Bingham. He was accustomed to be furnished with paper by his father.

To a question put to him, he said it fell on the left-hand side. He was then re-examined by Mr. Pooley, on the part of the prosecution.

It does not appear to me improbable, that this letter might have been kicked up by the horses feet in the road, where it is a little sandy. If it were known that this man and woman and two children were of the description of foresters, it might have been left in the road by them; and, in a sandy road, a horse will throw up sand to a pretty considerable height, or any other object. I asked the witness whether he did not think it might be kicked up in the road by the horses feet, and he said he did not think it was kicked up from the ground.

This is the testimony of John Jenner, the first witness;

his cousin, William Jenner, is next called. He is a very fine boy, and is 11 years of age, an age of incorrectness, though there are instances of persons at that age of correctness. He was in company with his cousins in going from church to his uncle's house to dinner. He does not exactly recollect the day. Mr. Bingham had done the duty in the church that day. He was at that time a scholar of Mr. Bingham's. His uncle's house is about half a mile from the church. As he and his cousins were returning from church and had got about half the way, Mr. Bingham passed them on horseback, going at the pace of a canter, and said he would ride over them, out of joke. And at the same time he saw a man and woman and two children in the road before the prisoner. And after Mr. Bingham had passed them, he says he saw no paper till he came very near it. He saw it on the ground before it was picked up. He saw it three or four yards before he came up to it. His cousin John picked it up. And, before it was picked up, John said, look there William, there is a letter dropping to the ground. He saw it before it had dropped, and this was before they came up to it. The witness said he did not see it till it was actually on the ground. John said he thought the letter was Mr. Bingham's hand-writing, and William said he thought it was not. And, in answer to that, John said, he thought it was; the letter was wafered up and it was very clean; he and his cousins went on till they came to his uncle's house, and John, who had kept the letter, gave it to his mother, and that without breaking the wafer, and in the same state in which it had been picked up. Mr. Bingham was about two or three rods before them at the time they picked it up, and the prisoner looked back at them very much. And except the persons spoken of before, he saw no other

persons on the road, but the man and woman and two children. And they had got on farther than the spot where John picked up the letter, before Mr. Bingham got up to that part of the road.

On his cross-examination he said, the road on which they were walking was the road leading to the forest; and that, therefore, it was likely that the foresters, if they had been passing and re-passing, must be going on that road. He did not say he wondered that Mr. Bingham had not picked up the letter, and it afterwards appears, from the evidence of Mrs. Jenner, the mother, that it was not this boy but her own son John who said that, and who was not asked to it. He did not know that the scholars bought paper of Mr. Bingham. The last year he had been a scholar with Mr. Bingham and had been writing, and John had not.

The next witness is THOMAS BATES.—He rents a house of Mr. Richard Jenner. On Sunday, the 16th of December, he was at church and the prisoner did the duty on that occasion. The church was over about 12 o'clock, he and four more persons were returning towards Mr. Bingham's house. The road is about 30 feet wide and a very level road, which would have the better enabled him to have seen any letter, if any there had been, then in the road: he saw no paper or letter in the road. That is the road Mr. Jenner's sons must go. On cross-examination he says, he did not stay singing but went away when the service was over.

MARTIN HODE was next called, he was at Maresfield church, on Sunday, the 16th of December last: Mr. Bingham performed the service. There was some singing after the service was over, and he staid, on account of that singing, nearly half an hour. He went on the same road that Messrs. Jenner's were going. He saw the lads at the corner of the street as he was going home to his house. He

nobody after he had passed them till he had arrived at his own house. Then he tells you it is all the plain road. He saw no paper upon the road, and if there had been any he thinks he must have seen it. When he had just arrived at his own house, he saw Mr. Bingham at the turnpike gate, stopping to pay the toll or to shew his ticket.

On cross-examination he says, he was walking on foot and got home before he saw Mr. Bingham.

From the state of the road, and from the nature of the road, which was level, it is probable, if there had been a letter in the road, that he must see it.

Sarah Jenner is then called. She is the wife of Mr. Richard Jenner, and the mother of the first witness, John. She says, on Sunday, the 16th of December, her boys came home from church, and, on the letter being shewn her, she says, her son John gave her that letter. The letter was wafered, and the wafer was not quite dry. The inference from that is, whoever had written that letter, it had been wafered up no great length of time before,—half an hour, or three quarters of an hour, it will take some such time to dry; no considerable space of time. Her husband had gone to London the day before, and returned on Thursday next, when she gave it to him. She opened it when her son delivered it to her, and read it, and after dinner she went to Mr. Thomas Jenner's wife, and shewed it to her; and she also saw Mrs. Bingham, having met her, and shewed her the letter, which very well accounts for Mr. Bingham knowing the next morning that John had picked up a letter of this kind, in company with his cousin William.

It is material here to look back to the evidence of William. He tells you he did not say he wondered that Mr. Bingham had not picked up the letter. It turns out, the question was put to the wrong child; for Mrs. Jenner tells you that her son, that is, John, said he won-

dered that Mr. Bingham had not picked up the letter. It is pretty remarkable and more important to come from him, who said he saw it dropping to the ground, and yet he told his mother he wondered Mr. Bingham had not picked it up. Now that is a little inconsistent with his dropping the letter out of his pocket. He wondered Mr. Bingham had not picked it up; she said her conjecture was, that some of the foresters had dropped it as they came from church; that three sons of her's were sent to school to Mr. Bingham. The first conjecture of Mrs. Jenner was, that it came from some of the foresters, and her son had not mentioned to her, that he thought it came from Mr. Bingham's person, but that he had seen it flying in the air before it touched the ground, and wondered that Mr. Bingham had not picked it up; and so far was she from conjecturing it had dropped from him, that she thought it had been dropped by some of the foresters. One of the boys conjectured it was his hand-writing. Mr. and Mrs. Bingham and she and her husband were on very friendly terms, had a mutual regard for each other, and were doing all sorts of neighbourly acts. No body could be on better terms than they were, and they were on the same friendly terms with Mr. Thomas Jenner and his wife. Mr. Bingham, she says, was very attentive to his duties as a clergyman.

This furnishes another improbability in this case, that such an incendiary letter should have been written by Mr. Bingham to Mr. Jenner, not only as being a clergyman, but the strongest friendship had subsisted between the families of Mr. Richard Jenner's family and Thomas Jenner's family and the family of the prisoner at the bar, and they were in the constant exercise of doing the most friendly acts to each other.

Mr. Richard Jenner himself is then called. He says

he occupies what is called the Dairy-Farm at Maresfield, and has barns, and houses, and oxen, and cows, &c. He is frequently called *Dick* by those who are intimately acquainted with him. He is a good-natured and good-humoured man, I suppose, and therefore so familiarly called. He was in London when the letter was found, and returned on Thursday evening. He had been acquainted with Mr. Bingham about five or six years. He was the clergyman of the parish, and had the care of the education of his sons, and the two families had lived on the best terms and best footing down to the time the letter was put into his hands. He apprehended Mr. Bingham was one of the last persons that would have done him any unkindness. He thinks the word Dick, which is mentioned in the letter, means himself, Mr. Richard Jenner; and he understands, that the threats which are held out in this letter, as to lands, and all those matters, and the burning of houses and barns, apply to him and to his houses, &c. He had frequently occasion to see Mr. Bingham write, and has received letters and bills from him for the education of his children, and thinks he is well acquainted with his character and manner of hand-writing.

Now, Gentlemen, you will observe in the outset, in the case of a hand evidently disguised, it is most certain, that persons so disguising their hand-writing will slip into their own natural character, though they may endeavour and succeed to a certain degree to disguise their writing, yet still they will fall into their own natural habit of writing. But at the same time the difficulty is increased where the hand-writing is studiously disguised. The difficulty is greatly increased. Whether this disguise is so imperfect as to enable the witnesses to speak with certainty, it will be for you to decide. He says, on looking

at the direction, he believes it to be the hand-writing of Mr. Bingham. He said he first believed it was Mr. Bingham's writing, as soon as his wife delivered it into his hands; and when he observed the direction, and he did that before he had seen or heard of the contents, or heard any observations made respecting the contents. And therefore the contents could have no effect on his first judgement, because they were then unknown to him; so that he could not be influenced, when he tells you, that, by looking merely at the superscription, he was satisfied before he opened it that it was Mr. Bingham's hand-writing. When he read the contents, he could not think his friend could do such a thing. He says he believes, that looking merely at the hand-writing, that the inside of the letter is his hand-writing. It seemed to be all Mr. Bingham's hand-writing, though there is a little attempt at disguise. But he observes, if he is right as to these letters, that he had become acquainted with some singularities in the casting of particular letters, of particular characters, in the prisoner's ordinary hand, and that this degree of difference, which he calls singularity, runs through the whole of the natural writing of the prisoner at the bar. The first singularity he observed was in the two letters Ri. That was the prisoner's common mode of contracting Richard. Generally one adds a little, as Richd. Ri. as a contraction or abridgement of Richard is certainly not very common: it is not a very usual way of abridging that word. And then he observes, as to the form of the capital letter R, he throws off the last stroke at a square.

Gentlemen, you will have the letters before you, and will make your own observations both in his mode of abridging, and also of his formation of particular characters. He likewise says, that Mr. Bingham writes the

capital letter J in Jenner not as a capital J, but as a small g of a larger circle, of twice the size, like an enormous g in this small character. This certainly is not the usual character of the capital letter J as written by other people. He says he never observed any other person write a capital J in that manner but Mr. Bingham. He also observed, that the small f in Maresfield has no loop, and that Mr. Bingham's usual mode of making the small f was quite straight, without looping the letter at the bottom. He likewise says, that Mr. Bingham's & differs from that of any body else, as he makes it with a little cut only. It is small, and resembles that here, but it is only a little larger.

He proceeds to say, that, after his wife had shewn him this letter, he called on the prisoner on the Sunday following, and he called on him to ask his advice how he was to find out the author of this letter, which shews in himself no conviction it could by any possibility be Mr. Bingham, his friend. He wished to consult him how he was to discover the writer of it; and he had occasionally asked his advice before, and he went to advise with him on this occasion; and the advice he gave him is extremely remarkable. He advised Mr. Jenner to go to the shops in the neighbourhood to search for paper, and to see if he could find any with the water-mark on the threatening letter, namely, that of Evans and Sons, 1806. Mr. Jenner searched, but could not find any paper with that water-mark.

[*The Lord Chief Baron here put the following questions to Mr. Richard Jenner.*]

Q.—Mr. Jenner, upon the Sunday morning you went to Mr. Bingham to ask what was to be done about this letter?

A. Yes, my lord.

Q.—Had you the letter with you?

A.—I had it in my pocket.

Q.—Did you shew him the letter?

A.—I did not.

Lord Chief Baron.—Gentlemen, this is a matter extremely well to advise with Mr. Bingham, and he desires him to go to the shops in the neighbourhood to search, in order to see whether he could find any bearing the same water-work of Evans and Son, 1806; and that he bought paper of several persons, but found none with that water-mark.

Now, gentlemen, Mr. Bingham is, by this evidence, advising Mr. Jenner to take that very step which is brought forward to day, against Mr. Bingham, to prove his guilt; that that suggested the idea of examining the private papers which had been received from Mr. Bingham, and bills which he had delivered to different persons for the education of their children, and which have been compared with the writing of the letter in question, and which forms one substantial head of evidence, to shew he is the author of that letter. A very strange thing, to be sure, that he should suggest that very thing which has been put in practice, that came from himself on that day, as one of the means of the detection of the very person who gave that advice: that was extremely remarkable that a man, who was conscious he had written an incendiary letter, and who, likewise, must have known he had other paper of the same water-mark, that he should be the very person to suggest the means that were to lead to the detection of his own guilt.

There is another very remarkable thing in this case.

He has seen the same water-mark on other papers. He has seen the same water-mark on papers which he produces, bills among his own private papers, which Mr.

Bingham put into his hands himself; that those bills were delivered long before that threatening letter existed; and that he has delivered over to Adkins, the officer, others from among his own private papers. One of the accounts is for the education of his children, and the endorsement appears to be in the same hand as the direction of the letter that is now in question. He conceives the endorsement on that paper marked (C.) is of the same hand-writing with the incendiary letter. You will judge for yourselves what similarity there is between these two. To me, indeed, there seems to be very little indeed: but my eye-sight is not very good. But he says he is satisfied himself they are written by the same hand.

Other papers were here handed up to the judge.

These are certain papers delivered to Mr. Jenner, by Mr. Bingham, at different times, for his son's education; I see very little similarity between them and this letter. He says he is satisfied they are written by the same hand. I own, gentlemen, it does not strike my fancy as it does his: It is for you to decide on that.

Gentlemen, I shall just put into your hands another of these. Now the paper which I am now going to lay before you was particularly remarked on as to the manner of making the capital R, in Richard, and the abrupt turn in the last stroke of that letter, which is to be found in the direction. You will examine that nicely, and the same observation was made also on this paper. *(His lordship taking up another paper in his hand.)* The jury will look at these papers.

[*The papers were here handed over to the gentlemen of the jury, who looked at them, and the learned judge said,*] Gentlemen, when you have looked at and satisfied yourselves on these papers, you will be so good as to

attend to me. Do not hurry yourselves: You will be so good as to return them.

Now, gentlemen, you have looked on this letter and papers, and you have founded your own observations on them. I shall just make one observation in addition to those I have already submitted to your consideration: If any evil-disposed person means to make it be suspected it is the hand-writing of another person, he will make himself master of some of the peculiarities of his hand-writing. If I were wicked enough to wish it to be believed that any particular person had written an incendiary letter, I would try to find out some of the peculiarities of his hand-writing, and endeavour to imitate them.

The only other paper I have seen is some little plan in respect to a plot of ground, and bears the same water-mark with that found on this letter. As to this water-mark of Evans and Sons, 1806, you will find by-and-by this paper about the country was very plentiful, and any person might have used it as well as Mr. Bingham.

Gentlemen, having received this advice from Mr. Bingham, to search about for paper with this water-mark, he told Mr. Bingham he had searched, but in vain. Mr. Bingham once referred to the contents of that letter, and said, "Well, Dick, you are not shooted yet."

He is supposed to say that from which he could not be suspected he had any hand in it. He says, that after this his family went to Mr. Bingham's, to drink tea and spend the evening, so little did he suspect his friend could be the writer of that letter: he having himself a previous engagement, went after tea, in the evening. He said he was very sorry Mr. Jenner did not get there sooner. And on which he said, "Dick! you are not shooted yet, "as you came home." Mr. Jenner did not much like

that subject being made such matter of jest, and said he had not, and hoped he never should. Mr. Jenner thought it was not that sort of thing that ought to be joked at, and said to him a little roughly,—" If I had " not so good an opinion of you as I have, sir, I should " have thought you had written that letter." Mr. Bingham turned his head away from him, and seemed to laugh; but he conceived it to be an affected and not a real laugh.

He says he made no secret of his having received the letter. He shewed it to his neighbours and friends, and desired their assistance. He mentioned it the same evening at a meeting of his friends and neighbours, who were met together for the protection of property, and for conducting prosecutions against those who carry on depredations against the property of others.

On being cross-examined, he said he shewed Mr. Bingham the letter in the church. He has no recollection of having shewn it to him any where else. An R. is shewn to him in one of his own papers, which he received from Mr. Bingham, and he thinks there is no resemblance between the R. in that instance and the R on the superscription of the incendiary letter. There is no resemblance in the sharp turning-up of the last stroke of the letter: in that instance there is no resemblance. An f is shewn to him, and he is asked if it has not a loop?—He says he does not call that a loop. But another is shewn to him, and he says—that is what I call a loop, and that is Mr. Bingham's hand-writing. So that we see some uncertainty in the loops.

There are instances in which it occurs, and there are other instances in which it does not. He once thought this letter came from the foresters, from Mr. Bingham having first mentioned a man of the name of Goldspring.

He conceived it might be that man, who was one of the foresters. He says there has been a letter dropped in the parish of the same nature before, but not a threatening letter, but rather of an unpleasant nature. He might have said to a particular person he suspected it might come from the foresters.

I observed he was extremely tender on this, whether he was afraid of them, I know not. But that he suspected them there is no doubt. You will find, if the keeper of the House of Correction at Lewes is to be believed, Mr. Jenner represented them to him as the greatest incendiaries and greatest villains upon earth, and capable of doing this thing.

It will be for you, by and by, to consider whether he could have forgot what he said at so short a distance of time at Lewes as the 12th of January last. He did speak in pretty strong language of that description of people. And it is probable he did lay it on very thick. He now confesses that his first suspicions were that it had been done by some of these people, the foresters. But there was an uncertainty as to the particular person. Whether it was Goldspring or some of the other foresters was uncertain. But it was never assumed in the onset that it was written by any others; and, Mr. Jenner being clearly of that opinion, it gave rise to the observation of their living by plundering. That was the first account; that was the genuine thing;—that was the truth according to human nature, of which we are all sensible and meet with many instances in every year of our lives.

He says he did go to the keeper of the House of Correction when a person of the name of Best was in his custody, and he said, perhaps, he thought it might come from the foresters. He thinks he might say something of

that kind, and that Mr. Bingham and the principal inhabitants wished him to go. Every body was desirous of finding out who the author was. The whole neighbourhood were anxious to find out who the author was. But suspicion at first only rested on the foresters. He tells you Mr. Bingham has been the curate of the parish five or six years, and had discharged all his duties as a clergyman with great care, assiduity, and attention to his parish. He had the merit of suggesting a plan for the education of twenty or thirty poor girls; he solicited subscriptions and was the treasurer. But all these subscriptions come to nothing unless some person will take an active part, and he was the person to take that active part, and had been instrumental in setting up this school.

On re-examination he said the fences which had been erected by the foresters had all been thrown down by those who claimed a right of common. That he himself had no suspicion of Goldspring nor of any one person in particular, till Mr. Bingham said he had some suspicion of him. That his application to the keeper of the House of Correction did not proceed from himself, but from Mr. Bingham and the principal inhabitants: looking at the writing of the letter only, he still thought it was Mr. Bingham's writing, but on reflection he thought it could not, by possibility, be his friend and a clergyman who wrote that letter. He said Mr. Bingham had one of these inclosures that were levelled; but he does not know whether that enclosure was made by Mr. Bingham or his tenant. It was called his, but he could not say whether it was done by him or his tenant.

The letter was then read to you, and that letter was this—*(The learned judge read it. See it in the indictment, and in Mr. Serjeant Best's opening.)*

Then, gentlemen, they produced some other accounts that were received from Mr. Bingham.—There is one containing a balance of accounts between him and Mr. Jenner, and some school-bills from 1806 to 1809.

You find they were produced for the purpose of shewing that the rule Mr. Bingham had observed in his *R*'s and *f*'s in his ordinary writing was observed in this incendiary letter. But it appears from the papers themselves that rule is not uniform, and therefore deserves less credit than that fact was expected to produce on your minds. And whether it does or does not will depend on the uniformity.

The next witness called is Richard Trill: he is a farmer, and resides near Maresfield. He had three sons at school with Mr. Bingham about a year and a half ago; he sometimes had notes from him; he never saw him write above once, and he produced some bills which he had received from him for schooling: on these bills he had acted and settled accounts with him, considering them as Mr. Bingham's bills: he also produced some receipts. On the incendiary letter being shewn him, he says, he firmly believes it is the prisoner's handwriting.

On his cross-examination, he says, that is not the common hand-writing of Mr. Bingham, there are some parts of it natural and some parts of it disguised. He says this gentleman has taught a great many children to write. But these children having only commenced to write four or five years ago, it is hardly to be presumed that any of them could be a mischief-maker of this kind; they would not be ripe enough to be the authors of such a letter as this.

The next witness was John Knight: he says, he has lived at Maresfield all his life. He has known Mr.

Bingham all the time he has been there; he has transacted business with him, which has brought him aquainted with his character of hand-writing; he has been in the habit of seeing his writing two or three years; and he has seen him write, and is well acquainted with the character and manner of his hand-writing. He himself was overseer of the poor of that parish of which Mr. Bingham did the duty. He says he is satisfied the direction of the letter and the contents were Mr. Bingham's hand-writing. If he had seen it lying on Mr. Jenner's table, or at the Post-Office, or in a different place, he should have believed it to have been Mr. Bingham's hand-writing. The *f*'s and *R*'s in Mr. Bingham's hand-writing struck him as being singular, and he found such *R*'s in this letter, and had no doubt it was Mr. Bingham's writing. He produced some bills, and one paper was dated February 1st, 1810, with the water-mark of Evans and Sons, 1806; and there was another paper with the same water-mark and the same date of 1806, and this is an account of the charity-school.

That Mr. Bingham had paper with the water-mark of Evans and Sons, dated 1806, there can be no doubt, but you will find, by and by, that paper with the same water-mark was extremely common indeed in that part of the country.

The witness in his cross-examination remarked that Mr. Bingham made his small *f*'s without a loop, and he was then shewn an *f* of Mr. Bingham's hand-writing with a loop, which shews that is not a certain mark for you to go by; but the circumstance of particular letters being cast this way or that way, where there is not uniformity, cannot have great weight; the general character of Mr. Bingham's hand-writing I should think could not be much perceived by his scholars, as he only set

them copies of single letters in his own hand-writing, and afterwards laid before them copper-plate copies.

Mr. Turner says, he is the attorney of Mr. Rivett, the rector of Maresfield, and lives at Lewes; as being concerned for the rector he has transacted business with Mr. Bingham, and has seen him write.

The letter is put into his hand, and, on looking at it, he believes this letter to be his hand-writing; he says, from his previous acquaintance with his hand-writing, he firmly believes it to be his hand-writing.

Samuel Atree has been employed occasionally by Mr. Bingham, has carried bills to him, received money from him, and has seen him write frequently. On looking at the direction of the letter he believes it to be his hand-writing, but, with respect to the body of the letter, though there is some resemblance, he his not so sure, he believes that to be Mr. Bingham's hand-writing likewise, but has more hesitation with respect to it.

The last witness is Mr. Susan, and he says he has known Mr. Bingham four years, and has transacted business with him, by discounting bills for him frequently. On looking at the letter, he says, he believes it is Mr. Bingham's hand-writing, and that he should have acted on it as such. Now this, gentlemen, is the evidence on the part of the prosecution, the weight of which is the confidence with which some of witnesses have sworn that it is Mr. Bingham's hand-writing.

Now, gentlemen, the first witness called, on the part of Mr. Bingham, is John Reed: this gentleman is in the paper-trade, and the object of his testimony is to shew that this paper, with the water-mark of Evans and Sons, dated 1806, was very common in the neighbourhood of Maresfield; and it is clear from his evidence that many others in that quarter might have had paper with the same

water-mark of Evans and Sons, dated 1806: if it had been peculiar to Mr. Bingham, that would have been a very strong and, perhaps, an irresistable circumstance; but, as you find it common, that makes it lose a great deal of its weight.

Mr. Reed tells you he supplied various persons, in the neighbourhood of Maresfield, with similar paper, having the water-mark of Evans and Sons, and dated 1806. He had supplied Mr. Hobbs, of Newick, which is only about three miles from Maresfield, and Mr. Turner, as well as several other persons in that neighbourhood.

On his cross-examination, he says that he had served Mr. Hobbs, and the other persons, in the neighbourhood of Maresfield, with paper of that description, for a year and a half, or two years. He cannot be positive, before the last two years, that he served his customers with that paper; he, also, sold the paper of other manufacturers, but he had so large a proportion of the paper of Evans and Sons, when compared with that of others, that it was impossible he should not have sent them a great proportion of the paper they received of this kind. All the other paper he had was but inconsiderable, in proportion to the quantity he had of Evans and Sons, so that there is no reason to doubt that paper with the same water-mark that was on the letter was extremely common in that part of the country, and that many other persons might have it as well as Mr. Bingham.

The next witness is an important witness, Mr. Cramp, the keeper of the House of Correction, at Lewes; he says, on the 12th of January last, Mr. Richard Jenner came to him, and wished to talk to him about a man of the name of William Best: he supposed Mr. Cramp had heard of the threatening letter that had been sent to him. Mr. Cramp said he had certainly heard of it; he

wished the witness to examine Best, with respect to that letter, for that there was no doubt that he knew the writer of it. Mr. Jenner, at that time, had no conception Mr. Bingham had written this letter, and that was so late as the 12th of January last, for he was one of the 50 brave fellows, so that Mr. Jenner discovered a greater knowledge then than he has done to day in his examination in chief; he has lowered his tone very much, with regard to the people called Foresters: he said he had no doubt the letter was written by some of the Foresters, who had taken possession of a great part of the forest, and had formerly established themselves there, and that they were a set of people living upon plunder chiefly; that the gentlemen and farmers were continually robbed and plundered. There was no doubt he should get out of Best who the writer was: he must know, for his old father was heard to say, a few days before, "now my "son Will's in jail, I am afraid the truth will come out "about that letter;" so that Mr. Jenner, then, clearly had this impression, that Best could discover all about it. He says, that Mr. Jenner said, he and the other farmers had done every thing in their power to root them out, but there was one gentleman who had slipt.

On cross-examination, he said, that was a week before Mr. Bingham was in custody, he represented himself to be in danger. Upon that occasion he (if you are to believe Mr. Cramp) explains himself fully, and expresses his persuasion of some of these Foresters being the writer of it.

So much then as to the water-mark, and so much with respect to the original impression upon Mr. Jenner's mind, as to the writer of this letter.

Gentlemen, the rest of the witnesses are most respectable witnesses, who speak to the character of the pri-

soner.—Lord Sheffield says, Sheffield-Park is about three miles from Maresfield; his lordship knew Mr. Bingham soon after he became the curate of Maresfield; no man in the country was more diligent in trying to cure the disorders of the parish, particularly with regard to public-houses, and his lordship thinks that might be some cause of enmity against Mr. Bingham for having taken a more active part than any body else;—and his lordship's general description of him is that of a worthy and good man: he had a very good opinion of him on account of his exertions to suppress the bad morals of the foresters.

Mr. Archdeacon Doyley resides at Buckstead, and says Mr. Bingham has done many good works in his parish.

Mr. John Cripps, who is a magistrate for this county, was acquainted with Mr. Bingham from 1802 to 1804; he says he had much occasion to know him; he did much good in his parish; that he was a man of integrity and honour, and that no man surpassed him as an affectionate husband and a kind parent in taking care of his numerous family.

Mr. Turner says he has known Mr. Bingham more than ten years, and during that time his conduct, as far as it came within his observation, was always correct.

Mr. Bradfield says he has known Mr. Bingham three or four years, and during that time the impression on his mind had been very much in his favour.

Mr. G. Mott has known him for eleven years, and during that time he has maintained a very good character, both as a clergyman and as a man.

Mr. Sackville Bayle, with whom I have the good fortune to be acquainted during the greater part of my life, says Mr. Bingham was, in all respects, most exemplary in his conduct.

Gentlemen, this is the whole of the evidence on both sides.

And, gentlemen, after you have heard the evidence, you will say whether you think it is clear this letter was found on the road, (of that there is no doubt,) but found in the situation in which the witness, John Jenner, described it, that is, as if coming from the person of the prisoner and dropping upon the grouud; but he adds, he cannot be sure; when he gave it to his mother he does not state that it dropped from Mr. Bingham, but he said on that occasion, what is totally inconsistent with that, namely, he wondered that Mr. Bingham had not picked up the letter; he saw something of this paper floating in the air, not so high as his head, and Mr. Bingham was cantering along a road several inches deep in sand: I see nothing improbable in the supposition that it might have been kicked up by the horse's feet.

Then, as to the circumstance of the water-mark, I think there is not much stress to be laid on that; at the distance of three or four miles there was a great deal of it dispersed certainly, and must have been in the possession of many persons, and, therefore, that is not much to be relied on.

There is a great deal of uncertaintly with respect to the casting of those letters that have been mentioned by several of the witnesses; it is contradictory in this sense, that it does not appear to be very uniform; not so uniform as to operate with any great weight, though it has some weight.

The real weight of the evidence against him is in these four or five witnesses, who have been long acquainted with his hand-writing, who undertake to say they believe both the superscription and contents of this letter are his hand-writing.—They say a part of this

letter is disguised, but that they can see through the disguise, and that a part of it is his natural hand-writing; and you are to consider, therefore, the uncertainty there must be in selecting and picking out that which is not genuine and distinguishing it from that which is; it is matter of belief, and is dependent on the degree of accuracy with which they speak.—There must be no conjecture, no reasonable doubt, but you must be clearly satisfied that this is his hand-writing.

But, gentlemen, if you doubt, and you will take into consideration the extraordinary circumstances attending this case, without any corresponding motive on the part of this gentleman: I can see none whatever. He and his family were living on the very best terms of friendship with the prosecutor and his family, and in the constant course of doing neighbourly acts mutually to each other:—the prosecutor's sons were his scholars, and the improbability of his writing that letter is founded on this consideration, that he could gain no earthly advantage from doing it. One of the boys saw the letter wavering in the air, the other did not; and, as to his looking back at them, I do not see what can be concluded from that; they were his own scholars, and there was nothing extraordinary in his looking back at them; but if he dropped that letter it was most extraordinary, because he dropped it in the very face of two witnesses who knew him perfectly, who could not miss seeing it, and who might be brought forward as witnesses to convict him of a capital offence.

These, gentlemen, are circumstances of improbability which certainly are extremely strong.

These witnesses do undertake, from their acquaintance with his hand-writing, to say, they believe it to be his hand-writing; whether you will think that is sufficient,

notwithstanding there is so great a degree of uncertainty attending it, and the excessive improbability of the whole transaction, it is for you to say.

If you entertain serious doubts, you will throw the excellent character he has received from the honourable and respectable witnesses into the scale: it appears he had been most diligent and active in endeavouring to correct certain disorders in the parish, and on that account had very probably drawn down enemies upon himself.

Gentlemen, all these observations are for your consideration; you will say whether he wrote this incendiary letter or not, and I have no doubt you will give such a verdict as justice requires.

The JURY, *after having consulted together upwards of twenty minutes, pronounced the* PRISONER *NOT GUILTY!*

LENT ASSIZES,

HORSHAM, MARCH 26th, 1811,

Before the Right Honourable SIR ARCHIBALD MACDONALD, *Knight, Lord Chief Baron.*

THE KING *v.* ROBERT BINGHAM, CLERK, FOR ARSON.

THE indictment contained three distinct charges against the prisoner.

1st.—That he had wilfully set fire to his house, in order to defraud the Reverend Thomas Rivett.

2dly.—That he had committed this crime, in order to defraud the Sun Fire-Office; and

The third charge was, that he had done this to defraud the Union Fire-Office.

He pleaded—NOT GUILTY.

Mr. SERJEANT BEST.—May it please your Lordship, Gentlemen of the Jury, it is now my duty, as shortly as I can, to lay before you a case, by which I propose to support the prosecution against the prisoner at the bar, for having wilfully set fire to his own house, and for the wicked purpose (if he is the person who did it) and with a view to defraud the Fire-Insurance-Offices. He had effected an insurance. Whether he had beyond that any farther motive, it will not probably be very difficult to decide, after hearing all the facts of this case.

Gentlemen, there are other counts, with a view to answer the person to whom the house belonged; for you will find he was not the owner of the house. The prisoner at the bar lived in the house only as the curate, having no interest in it. The house was insured by Mr. Rivett himself, who is the rector of the parish. The fire, which I say was the wilful act of the prisoner at the bar, took place on January 16th, in this very year, and I shall state to you some circumstances that occurred, and that took place immediately about the fire and afterwards, from which, I am satisfied, you can have no doubt that this was a wilful act. In cases of this sort, it is scarcely possible you can shew a lighted candle in his hand, and his actually doing the thing. Men do not commit crimes openly, as they enter into contracts; it can only be got at by circumstances; and it will be for you to say, in this case, whether the circumstances I am about to state are not sufficient to bring home to your minds that this was a wilful act. On the 16th of January, you will find, from a witness whom I shall call, and who was a servant in the employment of the prisoner at the bar, that in the course of that day he was employed by the prisoner several times during that day to carry a large quantity of wood from the stack to what is called the wood-house. He also carried large quantities of things from the house to the stable. He knew perfectly well the contents of them. He carried into that part papers, and it will be for him to explain, if he can, what induced him to be removing papers out of the house, and to be depositing those papers in a room over the stable. You will find papers belonging to him, and some of considerable value, were found over part of the privy. I know there is no evidence in this cause to shew it was the hand of the prisoner that put them there: but,

when you find him carrying things to that stable, perhaps it will not be uncharitable to suppose it was done by the same hand.

You will find that, in the evening of the 16th, the prisoner was seen in a fowl-house, part of the premises, by the same servant, who had occasion to go out to get some peat at a peat-stack; that the prisoner looked out of the chicken-house, and asked him where he was going. He was told he was going to the peat-stack; and he said to his servant, "When you come back, do not come back this way." What reason he had for being in the fowl-house, or what reason he had for ordering him not to come back that way, I know not; but he will tell you these circumstances struck him as very extraordinary. Gentlemen, after that you will find the prisoner about seven or eight o'clock at night goes out with a lanthorn and candle, and after half an hour returned; and the prisoner at the bar, as I have already stated, I believe had desired the same servant to bring twelve or fourteen faggots to the wood-house near the premises, and also directed them to be put there that they might dry. The remark on this you will find to be an extremely material circumstance, when you come to hear in what manner and by what means it was set on fire.

These are the facts which I shall prove took place on the day before the fire. I shall prove to you certainly, when this gentleman went to London, a little before the fire, he had ordered the parish-registers to be removed from his house: he had never taken this precaution till that time. You will likewise find when he was in London, either in December or January, he went to the Insurance-Office, and held a sort of conversation there that is highly worthy of consideration. He stated to the secretary that his policy was £450 on furniture, and

£50 on another cottage. He stated, that he had a strong opinion in his mind that his house would be burned and destroyed, and he took off the £50 from the cottage, and transferred it to the furniture, so that his policy on his household-furniture was £500. With regard to this furniture, which was insured ultimately at £500, I shall call one of the servants, which is the best account I can give, and it is quite impossible that furniture could be worth one-half of that money. However, if he is in possession of any evidence to shew it is worth more, I shall be extremely happy; but the best account I can give of it is, that £500 would be an indemnity for more than double of what the loss amounted to.

Gentlemen, on the night of the fire, the prisoner, his wife, and servants, went to bed about nine o'clock, and the prisoner at the bar was last up. I shall call a servant, who will tell you that he was alarmed by his master, and he will tell you that at that time Mr. Bingham was completely dressed, and he told him the house was on fire. After this, the boy will tell you he went down stairs, and went into the school-room, and in the middle of the school-room he found some of the faggots he had brought a short time before, and a fire had been put to them, and they were burning up towards the cieling. I do not recollect whether the fire had reached the cieling of the school-room.

Gentlemen, it will be necessary to state the account the prisoner himself gave, because it will be necessary to contrast a part of that with the account which the boy will give you. The next day the prisoner gave this account, that he had gone to bed between nine and ten o'clock. He stated to one this sort of story, that he had gone to bed with a strong opinion that his house would be set on fire; that he thought he heard a person about

his house; that he got up and looked out of the window, but found nobody. He went to bed again, and got up a second time, when he saw a man going away from his house towards Mansfield-street. He went down stairs, and examined all the rooms below, and returned up stairs again: and there is one singular circumstance, his wife asked him if he had been in all the rooms below, to which he answered, yes. She then asked him if he had been in the school-room; he said, no, he had not. And here there is a little variation in his story, as told to different witnesses. To one witness he said he went down stairs, but on going to the inner door of the school-room, which communicated with the house, he saw a light through the door, and smoke, and saw things put up against the door, and which would prevent him from going into the school-room. The boy will tell you there was nothing to prevent Mr. Bingham going into the school-room. Finding he could not get in, he says, he went out into the yard by the back-door, and went to the outer door of the school-room, and found fagots, with forms and desks placed against the inner door. These fagots and this fire were burning, but were in so low a state, that, if he could have got a bucket or two of water, he could have extinguished the fire; but that he could get no water but in a well seventy-five feet deep. But unfortunately there was a pond of water close by, and also a bucket in the wash-house, and he might have helped himself to water.

He was asked as to his loss, and he stated that he had lost every thing. His plate and his watch were saved. There were some things found in the garden, covered over with mould and with chickweed, and covered over with other things. He was asked why he had buried this property, and he had refused to give any account of it.

Perhaps he may give some account of it to day. When you find almost immediately before the fire these fagots brought into a dry and convenient situation; when you find him making this insurance a little time before the fire broke out, and expressing a strong opinion that his house would be burned down; is it uncharitable to say, his was that hand that did the act. But if you cannot say so by your verdict, that verdict will be far more satisfactory to me, and your verdict will satisfy the justice of the country.

Gentlemen, these are the circumstances I have to lay before you: unexplained, they afford to my poor mind the strongest evidence of guilt. If you find that he is capable of explaining those circumstances to your satisfaction, it will be your duty to acquit him. But if, after hearing all the facts of this case on both sides, you are satisfied he is the guilty person, (however painful it may be to your feelings,) you will say so by your verdict.

EVIDENCE

ON THE

PART OF THE PROSECUTION.

Mr. Richard Jenner, *examined by* Mr. Pooley.

Q.—Mr. Jenner, upon the night of the 16th of January last, were you going home in company with your brother?

A.—Yes.

Q.—At what hour?

A.—About twelve o'clock.

Q.—Did you pass through the street of Maresfield?

A.—Yes.

Q.—In doing so, did you go near the house of Mr. Bingham?

A.—Yes, we left his house on the left-hand side.

Q.—Is his house in sight of you?

A.—Yes.

Q.—When you passed his house at that time, did you observe whether there was then any fire?

A.—The street was all quiet.

Q.—Were you in the course of that night or morning alarmed?

A.—About three quarters of an hour after I arrived home, and was in bed, a servant boy from my brother came up, and gave the alarm of fire.

Mr. Pooley.—Well, sir?

A.—Upon which I jumped out of my bed, and wanted to know what was the matter.

Q.—Did you go down the street?

A.—Immediately, with two men-servants.

Q.—Did you go up to Mr. Bingham's house?

A.—Yes, I did.

Q.—In what state did you find it?

A.—I found his house on fire, raging violently.

Q.—At that time the flames were very violent?

A.—Yes.

Q.—This was near one o'clock?

A.—It was after one: the school-room at that time was quite down.

Q.—Did you see Mr. Bingham, sir?

A.—I did, sir.

Q.—How soon after you got there?

A.—Perhaps it might be about five minutes; some way thereabouts. He seemed anxious to save the liquor in the cellar, such as the wine. I and my men helped to throw in dirt, to endeavour to extinguish it, and the neighbourhood all round assisted.

Mr. Pooley.—Well, sir?

A.—After I had been there for some time, I thought I could be better employed, by getting some refreshment for the people that were endeavouring to extinguish the fire.

Q.—Will you give us his account of it?

A.—When the fire was nearly exhausted, I had some conversation with him, and asked him how it had happened? He said it was maliciously done. He went to bed about ten o'clock. About half-after ten o'clock, Mrs. Bingham thought she heard somebody about the house, in consequence of which he got up, and looked out at the window, but could not see any body. He said you know I was very ill, and my answer was—Yes. He went to his bed again, and said he could not sleep. About twelve o'clock, or between twelve and one, he fancied he heard somebody about the house. He got up, and put on his breeches and his shoes, and went down stairs to look into the lower rooms in the house: when he went up stairs again, Mrs. Bingham asked him if he had been in all the rooms below? He said, "Yes." Mrs. Bingham said, "Have you been in the school-" room?" He recollected and said, "No."

Mr. Pooley.—Well, sir?

Witness.—Let me see.—I think he said he went up stairs, and put on some more clothes, and looked out at the window, and he said he saw some person going away from the corner of the house out into the turnpike-road.

He told Mrs. Bingham she must prepare herself to dress, for something was wrong about the house. After that he went away somewhere, down to my brother's, or somewhere, I cannot say. He returned again about the break of day, and took me by the arm, and he and I went down to the church for some children's small-cloaths to put on.

Lord Chief Baron.—That was some hours afterwards?

A.—I cannot say exactly, my Lord; I was very busy. We went to try to find some clothes that were carried to the church.

Q.—Children's clothes, I think, you said?

A.—Yes, my Lord, and some clothes for others. After that I met him in the morning, down at my brother's, at breakfast-time: he seemed to be very unwell. He told me he was a ruined man; that all his effects were burned, except that which was saved out of the ruins.

Mr. Pooley.—Did he say where saved?

A.—No where particularly; not to me. I told him I hoped he was not; and I asked him what he thought his property might be worth? He said he thought his clothes and linen were worth from £100 to £150; that he thought the whole of his goods altogether were worth from £900 to £1000; and that he had only insured for £500.

Q.—Do you know from him whether, after he discovered the fire, he went into the school-room?

A.—I know nothing about that.

Q.—Did he tell you whether he could get into it?

A.—Yes, I omitted to state that; he said when he came down stairs the second time to search the school-room, he tried to enter the inner door leading into the school-room from the house: he tried to enter through

that inner door, but he found it barricadoed, and could not get in. He thought he saw smoke through the cracks of that inner door. Being thus prevented from entering the school-room, through the inner door, he went out at the back door, which leads into the yard, and there entered the school-room by the outer door.

Q.—He went into the yard to the outer door: did he tell you in what state that outer door was?

A.—It had been forced open by some ill-disposed person. When he got there he perceived some fagots, and some forms and tables, in the school-room, against the inner door, which prevented it from being opened.

Q.—Just so. That is what he told you?

A.—That is what he told me; he said the room was full of smoke when he entered; he pushed to his drawers to search for some writings.

Q.—He attempted to get at that drawer where the writings were, and got out a handful of writings?

A.—Yes.

Q.—Did he tell you what writings they were?

A.—No, he did not.

Q.—Nor to what they referred?

A.—No: by opening the door the fire was kindling up.

Q.—In consequence of the admission of fresh air it began to play?

A.—Yes, and had he had two or three pails of water he thought he could put it out.

Q.—Well, sir, go on, if you please?

A.—I do not recollect any thing at present.

Q.—He told you if he had had two or three pails of water he could have put it out? Did you ask him here the water was?

A.—I knew where it was.

Q.—Did you ask him where it was?

A.—He was at that time a good deal agitated, and I did not.

Q.—You went to the church and had conversation with him about the loss he had sustained?

A.—That was down at my brother's house.

Q.—Now, after that, in consequence of any information that you had received from any body,—from Paris, West, or Banks, you must not tell us what they said to you, but in consequence of what they told you, did you go into his garden?

A.—I went down to the bottom of his garden, where the new stable is erected.

Q.—Did you go there in consequence of what Paris told you?

A.—Yes, in consequence of information that was given me I got to that place, and took up about sixty blank copy-books.

Q.—When did you find them?

A.—On the left hand side.—Sixty blank copy-books concealed under some earth.

Q.—How far under earth?

A.—There was some loose earth over them, and some chickweed.

Q.—Had it the appearance of being lately done?

A.—Yes.

Q.—What did you do with these copy-books?

A.—They were in a parcel, I carried them to the public house at Maresfield, and they have since been kept under seal. One Banks was present when they were found.

Q.—Now, were you with Joseph Adkins when he discovered any thing?

A.—I was.

Q.—Where?

A.—Down by the new stable, concealed under a little earth, some summing-books,—some ciphering-books, with a sort of flower, under which the books were.

Q.—Was any thing planted?

A.—There was something planted, but when I cannot say.

Q.—Pray did it appear to be done lately?

A.—Yes, it did, but not so lately as the other. The books under the chickweed were found in the morning, and the others were found in the evening of that day.

Q.—Did you on that day or at any time go into the privy?

A.—We found some more books that evening: Afterwards we went into what they call the chicken-house, and three or four crept in on our hands and knees into the back part, twelve or fifteen feet, and found some account-books under chumps and trees,—wood.

Q.—You found some account-books? Have you got them?

A.—Adkins has got them.

Q.—You took them away, I take it for granted?

A.—Adkins did.

Q.—Did you after that search or find any thing?

A.—Yes, I did. On Sunday, January 27th, about five o'clock, I found these parcels, these two parcels concealed over the privy.

Q.—Now, you must state in what part of the privy?

Lord Chief Baron.—Was there any roof over the privy where you found them?

A.—I looked over the cieling of another privy where I found them.

Mr. Pooley.—There were two privies adjoining?

A.—There were three.

Q.—When you went into one, and looked over into the cieling of another, did you find that?

A.—I found that which is in my hand in the presence of Cave, and some quills.

Q.—What does that contain? Open them.

A.—I sealed it up, and it has not been opened since I I brought it from Lewes from the magistrates. That is all the quills and papers I found.

Mr. Common Serjeant.—These seem to be old papers?

A.—I never examined them.

Mr. Pooley.—Do you happen to know that these papers relate to Mr. Bingham's concerns?

A.—You will be better able to judge of that than I can.

Q.—Are there any of these in his hand-writing?

A.—Yes, there are.

Q.—Shew us which are in his hand-writing?

[*Here the witness pointed out some.*]

Q.—Did Adkins examine them?

A.—I am satisfied these are in his hand-writing.

Q.—You have looked at them?

A.—Yes, and some of them are, but not all of them; but some of them are in Mr. Bingham's hand-writing. There are some with the water-mark Evans and Sons, 1806, the same as the letter.

Lord Chief Baron.—They are merely private papers, I suppose?

Mr. Pooley.—Did you find any thing else, Mr. Jenner?

A.—No, sir, I did not recollect any thing else.

Q.—Do you know whether there is any water near the school-room, sir?

A.—The pond is not far off, near the well, but I cannot speak to it precisely.

Lord Chief Baron.—It is nearer than the well?

A.—No, I should think it was not; I cannot say exactly.

Q.—The well is a deep well?

A.—It is a deepish well.

Cross-examined by Mr. Common Serjeant.

Q.—This poor clergyman said he had lost all except some few articles he had saved?

A.—He said he had lost all except the goods he had left there, what he had saved.

Q.—Now, Mr. Jenner, your memory failed you on one occasion.—Did you not see the melted plate dug out of the ruins?

A.—I was not there at that time; I saw some of it afterwards in a melted state.

Q.—A dozen of spoons or some of that plate would be more valuable than a few copy-books and quills?

A.—To be sure spoons would be more valuable.

Q.—You saw some of it afterwards in a melted state; they could not find it all, but I ask you whether what they did find was not in a melted state?

A.—Some of it was.

Q.—That was found in the middle of the fire?

A.—Yes.

Q.—How might it fare with his watch? That was melted, was it not?

A.—I have heard so; but I did not see it.

Q.—But the plate was melted.—Now, you had been in the habit of visiting him, good sir, had he not a great deal of very good linen?

A.—Upon my word I cannot say; I never went up stairs to the bed-rooms; I have seen clothes on the table.

Q.—Perhaps you do not know so much of linen as your wife?

A.—I do not know it.

Q.—There was no want of linen?—Do you know he had received a valuable present from his relations?

A.—I have no reason to doubt it; but I cannot say either way as to that.

Q.—I presume you were not very much alarmed, sir; you and your neighbours?

A.—I certainly was, and so were all other persons.

Q.—And so the first act you saw Mr. Bingham performing at the fire was the act of endeavouring to save a part of that which was insured, the liquor?

A.—Yes.

Re-examined by Mr. Pooley.

Q.—You must give an account of things found by yourself. So that you have no knowledge of where that plate was found except where others told you?

A.—Certainly not: I know nothing about that.

Thomas Caley, *examined by* Mr. Barnewall.

Lord Chief Baron.—How old are you?

A.—Twelve years old.

Mr. Barnewall.—Did you live as servant with Mr. Bingham?

A.—Yes, sir.

Q.—You did?

A.—Yes, sir.

Q.—Do you recollect when the fire happened?

A.—Yes.

Q.—When was it?

A.—On Thursday morning.

Q.—Were you employed on the Wednesday in carrying any property from the school-room to the common room?

A.—Yes, sir.

Q.—What did you carry?

A.—Some parcels with nails, and hooks, and rides.

Q.—By whose order did you carry these things?

A.—Mr. Bingham's.

Q.—Did you carry any papers?

A.—Yes, sir, they were wrapped up in papers.

Q.—How many times did you go backwards and forwards?

A.—I dare say I was above a dozen of times in all.

Q.—Did Mr. Bingham carry any thing?

A.—Yes, sir.

Q.—He did?

A.—Yes, sir.

Q.—What did he carry?

A.—Some books, and I do not know what the others were. He carried some parcels.

Q.—Now how many times did he go backwards and forwards carrying these books and parcels?

A.—I cannot tell how many times, but he went several times, sir, in the day.

Q.—Had you any occasion, in the evening of that day, to go into the yard?

A.—Yes, sir.

Q.—You had?

A.—Yes, sir.

Q.—About what time in the evening was it?

A.—Between five and six o'clock, sir.

Q.—Who did you see, sir.

A.—I saw Mr. Bingham in the chicken-house.

Q.—Was that the place you carried the books and parcels to?

A.—No, sir.

Q.—Did you see Mr. Bingham there?

A.—I did, when I was going through the yard for peats.

Q.—What did he say to you?

A.—I was going through the yard for peats, and he opened the door of the chicken-house, and asked me where I was going to?

Q.—You said you were going to the yard for peats?

A.—Yes.

Q.—What did he say?

A.—He told me I was not to come that way back again.

Q.—Which way did you usually go?

A.—Through that yard, sir.

Q.—What time did you go to bed that night?

A.—About nine o'clock, sir.

Q.—In consequence of your not coming back that way, which way did you come back?

A.—I went back through the other yard.

Q.—Could you see at the time what Bingham was doing?

A.—No, sir.

Q.—Now you say you went to bed about nine o'clock, what time did you awake?

A.—I did not awake more till Mr. Bingham called me.

Q.—You went to bed about nine?

A.—Yes.

Q.—What time were you awoke?

A.—It was between twelve and one o'clock.

Q.—Who called you up?

A.—Mr. Bingham.

Q.—Between twelve and one?

A.—Yes, sir.

Q.—What did you do when you got up?

A.—I went to alarm the village.

Q.—What was the state of the school-room at that time?

A.—The fire was not very large then.

Q.—The fire was not very large then?

A.—No, sir.

Q.—Did you go into the school-room?

A.—I went and stood on the sill of the school-room door.

Q.—Could you see from that the state the room was in at that time?

A.—Yes, sir.

Q.—Now will you describe the state of it?

A.—One side of the room was in a flare; but the pieling was not.

Q.—What was burning at that time in the school-room?

A.—I saw some fagots.

Lord Chief Baron.—Where?

A.—In the school-room.

Mr. Barnewall.—Whereabouts?

A.—About the middle of the room.

Q.—What sort of fagots were they?

A.—The fagots I had carried the day before; I had removed them into the woodhouse the day before, where the wood was usually kept.

Q.—By whose order did you so remove these fagots the day before?

A.—Mr. Bingham's.

Q.—Did he tell you why you were to remove them?

A.—No, sir.

Q.—How many had you removed to the wood-house the day before?

A.—There were fourteen or fifteen.

Q.—Fourteen or fifteen?

A.—Yes, sir.

Q.—Had you any opportunity of seeing, at the time you were standing at that place, at the school-room door, how many were burning?

A.—No, I could not tell how many were burning.

Q.—Could you see the inner door that communicated with the house?

A.—Yes, sir.

Q.—Now was there any thing against that door?

A.—No, sir.

Q.—To prevent a person from opening it on the other side?

A.—There was nothing up against the door.

Q.—What was there burning besides the fagots?

A.—Nothing, sir.

Q.—Did you afterwards examine the fagots that remained in the wood-house?

A.—There were only two in the morning.

Q.—Can you say, with certainty, whether they were the same sort of fagots?

A.—Yes.

Q.—As were removed into the wood-house the day before?

A.—Yes, sir.

Lord Chief Baron.—What sort were they? Did you see the tables and forms in the school-room?

A.—Yes.

Q.—Were they burning?

A.—Some of them were.

Q.—Where were the desks?

A.—The desks stood where they usually did, up at the side of the windows.

Lord Chief Baron.—Where were the forms?

A.—Up at the side of the desks.

Q.—And where were the tables?

A.—The one was on one side where the fire was, and one was up at the other end at the outside door; up against the outside door.

Q.—Which was burning, tables or forms?

A.—The tables; one table was burning.

Mr. Barnewall.—Were the fagots near to them?

A.—Yes, sir.

Q.—They were?

A.—Yes, sir.

Q.—The fagots were near that table that was burning?

A.—Yes.

Q.—At the outer door of the school-room?

A.—Yes, sir.

Q.—Now in what state was the outer door that was not of glass?—Did it appear to be broken or forced?

A.—No.

Lord Chief Baron.—Did you examine it?

A.—I did not take particular notice of it; but it did not appear to be broke.

Q.—Did the door appear as usual?

A.—Yes.

Cross-examined by Mr. Common Serjeant.

Q.—Has your master ever corrected you, Mr. Jenner?

A.—No, sir.

Q.—I ask you if your master ever corrected you?

A.—When Mr. Bingham was my master, he used to scold at me if I did any thing wrong.

Q.—Telling lies is doing a thing that is wrong?

A.—Yes.

Q.—When he has corrected you, has it not been for telling lies? Did he not frequently scold you for telling lies?

A.—As he said.

Lord Chief Baron.—Answer the question?

A.—Yes, sir.

Mr. Common Serjeant.—Frequently before the fire happened?

A.—Yes, sir.

Q.—Now, when your master called you to go and alarm the village, what was the nearest way to the village?

A.—To come down stairs: I went out of that door and round the school-room, by way of going the nearest way to the village.

Q.—You went round by the school-room?

A.—That was the nearest way.

Q.—And you staid there some time:—how long did you stay there?

A.—I was not long.

Q.—You staid to examine the door?

A.—And I staid to look at the door, to see it was all right.

Q.—Did you examine the door to see that it was all right?

A.—I looked at the door to see whether it was broke open:—I stood close against the door.

Q.—How came you to be examining the door at that time? Did you examine the door or not?

A.—No, sir, I did not examine it; I looked at the door.

Q.—What did you look at the door for at that time?

A.—I went in to look at the fire

Q.—Had you any reason to examine whether the door was broken or not?

A.—None.

Q.—Did you examine it to see whether it was broken or not?

A.—No, sir.

Q.—You afterwards heard this door had been broken?

A.—They told me the next day the door had been broken open.

Q.—But at that time you had no idea it was broken?

A.—No, sir.

Q.—Now do not let me stop you, finish your sentence first:—Now, who removed the wood from that place?

Witness.—From where?

Mr. Common Serjeant.—From the stack to the common wood-house?

A.—I brought some, and Mr. Bateman brought some.

Q.—Now, my lad, who desired you to bring that?

A.—Mr. Bingham himself.

Q.—You helped Bateman to do it?

A.—Yes, sir.

Q.—Only you helped him?

A.—Yes, sir.

Q.—How many did you bring from the stack to the wood-house?

A.—Fourteen or fifteen.

Q.—Now I will ask you whether Bateman went to the wood-house the next morning?

A.—Yes, sir.

Q.—Do you mean to swear there were only two fagots in the wood-house next morning?

A.—There were other fagots; but there were only two holly fagots.

Q.—Who desired you to go there the next morning? Are you quite sure that Mr. Bingham ordered you to remove these fagots?

A.—Yes, sir.

Q.—Are you quite sure of that?

A.—Yes.

Q.—Was that the place to which they were usually moved from the stack of wood?—Was that the place you brought the wood to, when wood was wanted?

A.—There was no wood wanting there: there was plenty of oak fagots

Q.—How long did you stay at the school-house, examining it, before you went to the village and gave the alarm?

A.—I did not stay quite ten minutes.

Q.—How came you not to go directly when your master ordered you to give the alarm?

A.—I looked into the school-room to see whether it was broke out all over.

Q.—Were you not almost suffocated with the smoke?

A.—No, sir; I stood at the outer door.

Q.—How did the smoke get out?—Did it not almost choak you?

A.—No, sir.

Q.—Was there not much?

A.—There was not much then.

Q.—There was not much smoke then?

A.—No, sir.

Q.—You were examined before the justices?

A.—Yes, sir.

Q.—And the fire was between you and the inner room?

A.—About the middle of the room.

Q.—The fire that blazed was between you and the inner door?

A.—No, sir.

Q.—Are you quite sure it was not between you and that inner door?

A.—I am certain of that.

Q.—Your stood on the sill of the door nine or ten minutes, with these fagots burning all the time?

A.—Yes, sir.

Q.—Do you know Palmer?

A.—Yes, sir.

Q.—You saw him perhaps the next morning?

A.—He was about the fire.

Q.—You never spoke to him about the fire?

A.—Speak to him; I might.

Q.—Did you not tell him you did not see any thing of that fire?

A.—No, sir.

Q.—Now, sir, on the Friday?—the next morning was Thursday. On the Friday did you not tell him you had seen nothing of the fire?—You never told him so?

A.—I did not say any thing of that fire?

Q.—You never said any thing of that fire to him?

A.—No, sir.

Q.—There were some fagots that had quite burned? Suppose twelve were carried in, how many were quite burned?

A.—Four or five were burned.

Q.—Quite consumed?

A.—Yes, sir.

Q.—Not to be seen?

A.—There were some burned short pieces.

Q.—Was it burning on a wood-floor?

A.—Yes, sir.

Q.—And four or five fagots were quite consumed?

A.—Yes, sir.

Q.—You could stand at the door without any inconvenience, though the fire had got that height: the four fagots were quite burned?

A.—Yes.

Q.—And be as comfortable as you are now?

A.—Not as comfortable as I am now.

Q.—Not in the least incommoded by the fire?

A.—No, sir.

Lord Chief Baron.—Is the school-room a wooden building, or is the outer wall of bricks?

A.—The outside wall is brick.

Mr. Common Serjeant.—I tell you what I wish you to be particular about. You know Palmer perfectly well?

A.—Yes, sir.

Q.—Did he not ask you, whether you saw the fire?

A.—Yes, sir.

Q.—What answer did you give him?

A.—I told him, yes.

Q.—And what else did you tell him then?

A.—I did not tell him about the fagots.

Q.—You did not tell him you staid at the the school-room door?

A.—No, sir.

Q.—You did not tell him what you had seen of the fire?

A.—No, sir.

Q.—Did you not say to him if I had goue down the other stairs I should have seen it? He is here.

A.—No, sir.

Q.—You are quite sure you did not tell him that?

A.—Yes.

Q.—You were there all the day, were you not?

A.—Yes.

Q.—If Mr. Bingham had been removing any valuable furniture, you must have seen it.

A.—Yes.

Q.—There were things removed,—papers into the corn-room?

A.—Yes.

Q.—Supposing the house to take fire, the corn-room would be in as much danger as any part about it?

A.—Yes, sir.

Q.—How far is it from the house itself quite down to the bottom of the garden? This was removed into the stable?

A.—Yes, sir.

Q.—What sort of things were they? How large were the parcels?

A.—Not very large parcels.

Q.—Felt like paper, did they?

A.—Yes, sir.

Q.—When you were carrying them Mr. Bingham was also carrying some papers, and this was just after the holidays were over?

A.—Yes.

Q.—The school was going to begin?

A.—Yes.

Q.—And these things were in the school; and when the school began it must be cleared?

A. These things were generally kept there.

Q.—The school must be cleared?

A.—These things were generally kept in the school-room.

Q.—What things were they?

A.—Books, nails, hooks, and rides, or hinges, or sup-

porters,—that is the meaning of rides, they may be worth about five shillings per dozen, or thereabouts; I do not know how much they are worth.

Q.—Did you help to remove your master's plate? That was not removed, but melted?

A.—I did not see it.

Q.—Did you see it afterwards, when it was deposited at the blacksmith's? With whom do you live now?

A.—With Mr. Richard Jenner.

Q. Did you go to him directly after the fire?

A.—I slept at my mother's one night, and two or three nights at Mr. Thomas Jenner's.

Q.—Did you tell any body who was present how the fire took its course?

A.—No, sir; till I was examined before the justices.

Q.—Then you kept all that secret to yourself.—How long after the fire was it that you were examined before the justices?

A.—I dare say it was pretty near a fortnight.

Q.—Was any thing more talked of in the village than how the fire took place?

A.—No, sir.

Q.—Was it not very much talked of?

A.—Yes, sir; I stood at the sill of the school-room door, and I saw it.

Q.—But you told nobody, no agent, any thing of that?

A.—No, sir.

Q.—Who took you to attend Mr. Adkins? You had nothing to conceal? You had no reason to keep that a secret?

A.—No, sir.

Mr. Common Serjeant.—And yet you never mentioned it?

Re-examined by Mr. Barnewall.

Q.—Did you see any thing of Mr. Bingham?

A.—No, sir.

Q.—Did you see him that morning?

A.—I came down through the room where Mrs. Bingham was dressing the children.

Q.—At the time he called you, in what state was his dress?

A.—His dress was as usual.

Mr. Common Serjeant.—Now this is perfectly new, and does not arise out of my cross-examination. Could you tell the exact number of fagots that were burned? Can you take on yourself to say there were four or five consumed?

A.—That night I carried fourteen or fifteen to the wood-house and the next morning there were only two, sir.

Mary Cox, *examined by* Mr. Serjeant Best.

Q.—Mary Cox, I believe you lived as nurse-maid in the family of Mr. Bingham?

A.—Yes, sir.

Q.—Do you remember his going to London at the latter end of last year?

A.—Yes, sir.

Q.—About what time was it when he went to London?

A.—The 29th of December.

Q.—When did he return to the country?

A.—He staid a fortnight in London and returned again on the 12th of January.

Q.—Do you recollect any thing particular happening on the evening of Wednesday, January the 16th, the night before the fire?

A.—Yes, sir.

Q.—What was it?

A.—My master went out twice that evening.

Q.—At what time of the evening did he first go out?

A.—About six o'clock.

Q.—Where did he go to?

A.—I do not know.

Q.—By which door, front or back door?

A.—By the back door.

Q.—Did he take a lanthorn with him?

A.—Yes, sir.

Q.—How long was he out at that time?

A.—About a quarter of an hour.

Q.—At what time did he go out again?

A.—About eight o'clock.

Q.—Did he go the back way?

A.—Yes, sir.

Q.—Did he take a lanthorn with him the second time?

A.—Yes, sir.

Q.—How long was he absent that time?

A.—About half an hour.

Q.—Do you recollect whether during the time, the second time, Mr. Bingham was out, the boy, who has just been examined, went out into the yard?

A.—Yes, sir.

Q.—For what did he go out?

A.—For——

Q.—He went out for a basket of peat, did he not?

A.—Yes, sir.

Q.—I do not ask you what he said, but did the boy tell you any particulars when he was out the second time?

A.—No, sir; when he was out the first time.

Lord Chief Baron.—I thought it was after the second time.—When was it, the first or second time he was out?

A.—The boy went out before the first time?

Mr. Serjeant Best.—He did not go out again before the second time?

A.—No, sir.

Mr. Serjeant Best.—That was my mistake.

Mr. Common Serjeant.—What he said cannot be evidence.

Mr. Serjeant Best.—Now what time did you go to bed that night?

A.—About ten o'clock.

Q.—Who was last up in the house that night?

A.—Mr. Bingham.

Q.—Had you seen your mistress and the rest of the family to bed?

A.—Yes, sir.

Lord Chief Baron.—Was Mr. Bingham usually last up or not?

A.—Yes, sir.

Mr. Serjeant Best.—At what time of the night were you called?

A.—A little past twelve.

Q.—Whom were you called by?

A.—My mistress.

Q.—Was your mistress dressed?

A.—She had on all her clothes but her gown and neck-handkerchief.

Q.—She had all her clothes on except her gown and neck-handkerchief? You were alarmed by the cry of fire?

A.—Yes, sir, I was.

Q.—Now, were you told to get up and dress yourself?

A.—Yes.

Q.—Did you do that?

A.—Yes, sir.

Q.—There was another servant in your house?

A.—Yes, sir.

Q.—Did that servant sleep in the same room that you slept in?

A.—Yes, sir.

Q.—And she was alarmed at the same time?

A.—Yes, sir.

Q.—Did you get up the children?

A.—I did not.

Q.—Now, madam, how long had you lived in this house?

A.—About four months.

Q.—And you knew the premises very well? You knew where the school-room was?

A.—Yes, sir.

Q.—Was there a pond near the school-room?

A.—Yes, sir.

Q.—Would there be any difficulty in getting water from that pond at the time, if you had had a bucket?

A.—No, sir.

Q.—Now, madam, do you know whether there were any buckets about the premises?

A.—Yes, sir.

Q.—Where were they standing?

A.—In the brewhouse.

Q.—How near was the school to the brewhouse?

A.—It was at one end of the house, and the other was at the other end.

Q.—How many yards asunder were they? Were they the length of this court?

A.—They might be the length of this court. They might have got water from this pond.

Q.—Do you recollect your master coming into the bedroom about the same time that your mistress did, or just after?

A.—Just as she was going out.

Q.—Was it a minute or two?

A.—It was about a minute.

Q.—You cannot tell me whether he was dressed or not at that time?

A.—He was dressed, sir.

Q.—Completely dressed?

A.—Yes.

Lord Chief Baron.—Not only all his clothes on, but on in the usual way?

A.—Yes, sir.

Mr. Serjeant Best.—As in the day time?

A.—Yes, sir.

Q.—Now, having lived four months in this family, you can tell us what the state of the furniture was? How many rooms below were furnished?

A.—Five rooms below stairs.

Q.—Do you mean to say furnished?

A.—There were seven, with the two cellars.

Q.—Can you tell us what the furniture of that house consisted of?

A.—No, sir, I cannot tell you in particular what it

was. I know a good many things, but not all things in the house.

Q.—How many parlours were there?

A.—Two.

Q.—What furniture was there in the large parlour?

A.—There was a sofa, a carpet, and some rush-bottomed chairs—stained chairs; but I do not know how many there were.

Q.—Were there any looking-glasses?

Lord Chief Baron, interposing.—It will be for them to shew what furniture there was in the house.

Mr. Serjeant Best.—To be sure, my Lord.

Harry Adkins, *examined by* Mr. Pooley.

Q.—Adkins, you are a Bow-street officer?

A.—Yes, sir.

Q.—Your brother, Joseph Adkins, lives with Lord Sheffield?

A.—Yes, sir.

Q.—And a letter was sent, at the request of Lord Sheffield, for you to come down to see if you could make any discovery?

A.—Yes, on January the 21st.

Q.—Did you go to his house?

A.—I went to Maresfield, and I saw him at Mr. Thomas Jenner's, and he said, I suppose you are the person that came from London to inquire after this fire.

Q.—State all that passed between you and him?

A.—I told him I was, and that I wished to know the particular circumstances that occurred at the time of the fire, and previous to the fire. He then said he suspected a man of the name of Goldspring. In consequence of taking his licence away, he suspected he was the person

that set fire to his house. About ten o'clock he and his family went to bed: about half past ten he heard footsteps under his window; that he got up to his window, and looked out, but saw no one. He returned to his bed; about half past eleven he heard the same thing again; he then got up, went to the window, and looked out, but saw no one. About a quarter before one he and his wife were alarmed with a noise of the wrenching, as it were, of the school-room outer door, sir. He got up to the window, and saw a man walking in a direction from his house; it was then moon-light, but could not tell whether the man had a brown coat on or a white smock-frock; that he then put on his breeches and stockings, and went with a poker in his hand down stairs. He looked through the passage into all the rooms; was returning up stairs, when Mrs. Bingham called to him, and asked him if he had looked into all the rooms, and if he had looked into the school-room; he said he had looked into all the rooms, but he had not looked into the school-room; he went into his room, and put his coat and waistcoat under his arm, and returned down stairs again.

Q.—Directly?

A.—Directly. He went to the inner door leading to the school-room, and was a little astonished when he found it was fast, and not in its usual way; that he could see a little smoke through the crevices of the door. He then went out, and went to the outer school-room door; he found it open; he went into the school, and against the inner door he found several fagots. A table was standing over them, and benches against them—against the fagots, and the table was over the fagots burning. He had £30 in his chest of drawers in the school-room; he pushed to them for the purpose of taking it out, but

could not, not having the key with him. There were three bundles of sermons laying on one of the drawers, and these he threw out of the window; that was the whole he threw out at that time. In searching the stable I found these sermons: in searching the stable I found six or seven papers of seeds; that was on Monday; on Tuesday night I went for the purpose of apprehending him.

Q.—Were you there when Mr. Jenner was there?

A.—On the Tuesday I went to Mr. Jenner's house, where I had seen him the night before. I told him I was not satisfied with what he told me the night before, and that I wanted to ask him a few more questions. He asked me then if I was come to take advantage of him? I told him, no; that any question I put to him I would not press him to answer it. He then asked me if I had a warrant. I told him I had. He demanded a sight of it. I shewed it him. He says, now then I must submit. Immediately upon that, he said, if you will burn that warrant, I will give you all the information you want. I told him it would answer no purpose to burn the warrant, as I could take him without it. He said he must submit again. I asked him if he had been, in the course of that day, in the stable? He said he had several times. I asked him if he had taken any books from the stable that day? He said, no: he said he had found about three dozen of copy-books in one of the walks of the garden, adjoining the house. I asked him what he had done with them:—had he taken them to Mr. Thomas Jenner's? He was very much agitated, and, after some minutes, he said, no.

Q.—To what question?

A.—To the question whether he had taken the books to Mr. Thomas Jenner's, and then said he had buried

them. I asked him how he came to bury them:—for what purpose?

LORD CHIEF BARON.—Why?

A.—He seemed to be more agitated; and he said, from the conversation that passed between him and me the night before, he was afraid of my seeing them. I asked him why he should be afraid of my seeing them? When I could get no answer to the question, and there it ended.

Q.—And you took him into custody?

A.—Yes, sir.

Q.—Now, Mr. Adkins, when he told you he thought he heard something wrenched, did you understand him that he got up directly, and went down stairs?

A.—He got up, and went to the window, and said he saw a man go away from the house.

Q.—Did he say how soon he went down stairs?

A.—Immediately. He put on his breeches and stockings, and went down stairs into the passage, and saw the smoke through the crevices; and he went up stairs, and then went down again, all in the course of a few minutes, and he went down the second time with his coat and waistcoat under his arms.

Q.—As soon as he entered the school-room, he saw it on fire in the manner you have described?

A.—Yes, sir.

Q.—Did he tell you whether he found any tables or forms burning?

A.—Yes, he said the tables were burning.

Q.—Much or little?

A.—I do not recollect.

Q.—Did he give any account of the state of the fagots?

A.—He said the room was full of smoke. I have omitted a part.

Q.—State what that is?

A.—When he went to the school-room the first time, that, if he had had two buckets of water, he could have extinguished the fire.

Q.—Is that all?

A.—That is all.

Cross-examined by Mr. Common Serjeant.

Q.—This fire happened on the 16th, or rather the 17th;—on what day did you come down from London?

A.—On Sunday, the 20th of January last: I did not go till the Monday to Mr. Bingham.

Q.—It was known in the village that a Bow-street officer had come down?

A.—I do not think it was.

Q.—Did you stop any time in the village?

A.—I and my brother went together in the afternoon of that Monday to the village of Mansefield, and then he (Mr. Bingham) was at Lewes at that time, and returned.

Q.—Now you have said that you found something in the stable?

A.—I found nothing but the seeds and the sermons.

Q.—There was one thing you had forgot; there are some other things: when you asked about the stable, did he not answer the key was not there, but insisted to break open the door, that you might see every thing?

A.—He did.

Q.—Did he not actually break it open with his own hand, that you might satisfy yourself of every thing that was there?

A.—He did, sir.

Q.—Now, I would ask you, before it was broken open,

had you not proposed not to examine the stable till the next morning?

A.—No, sir.

Q.—But your brother had?

A.—I do not know: It was represented that I should remain till I got the key to open the door, and to see what was in the stable.

Q.—On the contrary; he insisted on breaking it open, and did break it open?

A.—He did.

Q.—Now what was the value, do you think, of all the articles you found in the stable? Ten shillings are the outside, I suppose, or are they worth more?

A.—I suppose they were worth twenty shillings. There was a great deal of corn there.

Q.—That was the very thing you would expect to find in a stable?

A.—To be sure.

Q.—Then the corn; nobody had attempted to remove the corn from the stable?

A.—It was corn that had been threshed.

Lord Chief Baron.—A good quantity of it?

A.—There was, my lord, there were some books and papers.

Q.—But as to all the things removed from the house, they amounted to the value of twenty shillings?

A.—There were only three bundles of sermons removed? I did not think the sermons were of so much value: the three bundles of sermons that he threw out of the window were of the value of twenty shillings.

Q.—Did you see the plate?

A.—I did not see it: I never saw it.

Q.—You told my friend you went from Bow-street to inquire into the circumstances of the fire?

A.—There was a person came down from the Union Fire-Office; and I did not look into that.

Q.—You had never half the curiosity to inquire after it?

A.—Yes: I inquired after the plate.

Q.—Did you learn where the plate was? where it was after the fire?

A.—Yes, sir.

Q.—Where?

A.—In the blacksmith's hands.

Q.—How many miles does the blacksmith live from this clergyman's house?

A.—Not a quarter of a mile.

Q.—And you had not the curiosity to go to see it?

A.—I heard a description given of it.

Q.—You came down from London to sift things to the very bottom?

A.—Certainly, sir.

Q.—Would not your curiosity lead you to inquire where the plate was deposited?

A.—I did not go myself, but my brother went.

Q.—Your brother's name is Joseph?

A.—Yes, sir.

Q.—You sent him to look at it?

A.—Yes.

Q.—You have seen it since?

A.—I saw it yesterday.

Q.—I ask you was there not as much plate as you would expect to find in a house of that description?

A.—There was.

Q.—What did it amount to?

A.—I cannot speak to it.

Q.—Had it the visible marks of having been in the fire?

A.—Certainly, sir.

Q.—It could have been more easily removed, and was much more valuable than the paper, books, and quills, which you found?

A.—Certainly.

Q.—Now, I ask you, sir, and I ask you boldly, as you had searched through that stable, and every part of the premises, did you discover the least plate concealed?

A.—I did not, sir.

Q.—Did you see the remnant of a watch?

A.—That was shewn me at Mr. Thomas Jenner's.

Q.—That watch which you saw, did it appear to have had wheels? did you see the wheels?

A.—It appeared to be the body of a watch.

Q.—Did not the wheels appear to be wound up?

A.—I cannot recollect.

Q.—However, you saw the remainder of a watch that had been acted on by fire?

A.—Yes.

Lord Chief Baron.—It was burned?

A.—It was, my lord.

Q.—Did you attend the examination before Mr. Cripps?

A.—I did.

Q.—It was a private examination?

A.—No, sir.

Q.—Do you not know it was desired, particularly, to be a private examination, by the magistrate himself?

A.—At the first examination it was desired that not many people should come into that place.

Q.—I am afraid all these examinations get into the public papers; I have read part of the examination in a public paper.—Have you no knowledge how it came to be inserted in the public papers?

A.—No, sir.

Q.—You did not send the examinations, or cause them to be sent, there?

A.—No, I did not cause them to be sent there? I will tell you how far they might come there.

Q.—Do you not know they were to go to the public papers?

A.—When I returned to London, I was called on, at the office in Bow-street, by Mr. Read, to state the facts; to make my report, as I usually do in such cases; and the editor of our paper was in the office at the time, and he heard me relate the circumstances to Mr. Read.

Q.—You related this in the presence of the editor of the public newspaper?

A.—He attends at our office for the purpose of that kind of information. He writes for papers; I do not know what he is.

Q.—He attends on particular days?

A.—He does. He comes up occasionally.

Lord Chief Baron.—Was this in London?

A.—In London, my lord.

Mr. Common Serjeant.—This examination had taken place in Sussex:—was Mr. Read there?

A.—No, sir.

Q.—Then this editor of a newspaper is to be received into your office, is to hear you state what you have been now declaring to us, on your oath, and is to publish that to all the world?

A.—When I mentioned it to Mr. Read, I saw the editor standing in the office. He comes to the office for the purpose of getting information.

Q.—Mr. Bingham was not under examination then? Your report was previous to Mr. Bingham's examination, was it not?

A.—The editor was sitting on the bench with the other gentlemen.

Q.—There was not any prisoner under examination at that time?

A.—There were eight or ten gentlemen sitting in the office at that time.

Q.—You did not put down the very words for him?

A.—No, sir, that I know of.

Mr. Gurney.—This diabolical thing has been published in the Hue and Cry, and circulated all over the kingdom?

Mr. Common Serjeant.—Now Mr. Adkins, you saw these copy-books?

A.—Yes, sir.

Q.—You have them in your custody?

A.—No, sir.

Q.—Your brother has?

A.—No, sir, Mr. Jenner has them.

Q.—Perhaps you know the value of them?

A.—About sixpence a piece.

Q.—Well, three dozen of them would be eighteen shillings?

A —Yes, sir; there were about three dozen of them.

Q.—The house was entirely burnt down?

A.—It was, sir, except two chimneys; there was not a bit of wood to be found.

Q.—Have you seen what has been saved from the fire?

A.—No, sir.

Re-examined by Mr. Pooley.

Q.—You had been sent down to Maresfield by the direction of Mr. Read?

A.—Yes.

Q.—Were you, by his orders, to report to him what had taken place?

A.—Certainly.

Q.—Upon giving to him a narrative of the facts, some person might have taken notes, and printed it. Did you take it for the purpose of furnishing that person with that examination?

A.—I never had given any instructions to any one.

Q.—Had he any other means of getting that information but by Mr. Read's order to you to state it when he was present?

A.—None other; I related the circumstances to Mr. Stafford; I might mention the circumstances of what took place.

Q.—How far is the stable from the house?

A.—Seventy or eighty yards.

Q.—So that the house might be burned down, and the stable might stand and be safe from the fire?

A.—Yes.

Mr. Edward Verrall, *examined by* Mr. Barnewell.

Q.—Mr. Verrall, you are an attorney at Lewes, and agent for the Sun Fire-Office?

A.—Yes, sir.

Q.—Did you at any time, in consequence of information you received, go to Maresfield about this fire?

A.—On January 18th, having heard of the fire that took place on the 17th, the day before, I went up the next day; I went up on Friday, the 18th of January; I went up to Maresfield with Mr. Turner, who is the professional agent for the rector, Mr. Rivett; I went up to

see the state of the parsonage-house, that I might report to the office. I went to Mr. Thomas Jenner's, where I understood Mr. Bingham then was, to ask the particulars about the fire. Mr. Bingham told us he had been troubled with a bowel-complaint on the day preceding the fire;—that he went to bed about ten o'clock; he could not get to sleep; for he had a sort of *fancy* about him, I believe was his expression, that something would happen. He had been in bed about half-an-hour, when he fancied he heard a foot-step under his chamber-window. He got up and looked out at the window, but saw no one. He retired to bed again, and he believed for a very short time fell asleep. About twelve o'clock he again fancied he heard a noise, and Mrs. Bingham also fancied that she heard a noise. He got up again, and, on looking out of the window, saw a man going from the corner of the house towards Maresfield-Street. He then took a poker, which I understood was in the bed-chamber, and went down stairs. He looked into the parlour, where the family had been sitting the preceding evening, and nothing appeared to be disturbed there. He then looked into the kitchen, where every thing appeared as it was before; there appeared to be nothing moved there. That afterwards he went to the school-room door, which opens inward from the passage to the school-room; that he found the door resist him in endeavouring to open it, as if something had been up against it on the inner side. That at that time he perceived the smoke to issue through the key-hole or crevice of the door. He went out into the yard, where there was an outer door from the school-room into the yard, which had been a glass door; that the glass had been broken; that the door had been repaired by boards, nailed against it; and that one of these boards had been forced off, and the door had been

opened. He perceived a fagot or fagots; he could not distinguish what number. His man told him the next day he had missed four or five. The fagots were standing against the wall next to the inner door; and against the inner door were placed the benches and two tables, which had prevented him from opening that door, when he had attempted it on the other side. The room was full of smoke, and the fagots just then began to blaze. He went to his bureau, where he had a note or notes, (I declare I do not know which,) about £30, for the purpose of saving it; but he could not open the bureau.

Lord Chief Baron.—Did he give any reason?

A.—I do not recollect that he did, my lord; I think, in his efforts to open the bureau, he took some things that were standing on it, and threw them out of the window. He then returned to the house the same way he had come out, and went up stairs to Mrs. Bingham, and told her to get up and dress the children, for the house was on fire. He then went to a chest of drawers, and opened some of the drawers, and threw the contents out of the window.

Lord Chief Baron.—Did he say what the contents were?

A.—I do not recollect that he did: I am not positive; but I think he said he threw out some written papers. He said he also threw a bed out. That, when he opened the window, he called out, three times distinctly, fire! He then alarmed the rest of his family; and, when his servant-boy came down, he sent him to the village to give the alarm. As soon as he could get assistance, he ordered the church to be opened, and the bells rung for the same purpose.

Q.—That was all, was it? Did he say any thing as to the insuring of his property?

A.—I expressed a report that the policy had run out. He said he had formerly insured in the British Fire-Office, but had now removed it to the Union Office, and that it was insured for £500. I lamented to him his loss, as I had heard his property was not insured. I inquired if he could at all estimate the amount of his loss? He said it was impossible to do it at that time. That he had a great deal of valuable property in his house; that his books alone, he supposed, were worth £100. That he had many dozens of writing-books and school-books, and copy-books, and a quantity of stationery; and he supposed one thousand quills, among other things. He mentioned a small box of plate, containing a silver waiter and other articles, and expressed his surprise that no part of the plate had been found. He concluded by making this observation:—He might find it yet. You fire-gentlemen do not wish any thing should be disturbed, till you have an opportunity of seeing it.

Lord Chief Baron.—That is the rule, I believe?

A.—Yes, my lord; he said it might be found yet.

Mr. Barnewall.—Did he say any thing as to the state of the fire when he first perceived it?

A.—He stated that the room was full of smoke, and the fagots just breaking out; and he stated that if he had had a bucket or two buckets of water he could have extinguished it. But, turning to Mr. Turner, he said, Mr. Turner, you know the well is seventy-five feet deep; and in the confusion and agitation of my mind, I did not go to search after buckets: I looked to the preservation of my family.

Mr. Gurney.—I have no question to ask you, Mr. Verrall.

Mr. West, *examined by* Mr. Serjeant Best.

Q.—West, what is your christian name?

A.—Robert.

Q.—What are you by trade?

A.—A shoe-maker.

Q.—Did you at any time see the prisoner at the bar at work in his garden?

A.—Yes, sir.

Q.—When was it?

A.—It was on the Tuesday after the fire.

Q.—What time of the day was it?

A.—Soon after seven o'clock in the morning.

Q.—Was it light or dark at that time?

A.—It was not dark, and it was not quite light: It was not light enough for me to work at my business.

Lord Chief Baron.—It was twilight.

Mr. Serjeant Best.—Now, did you see what he was doing?

A.—He appeared to me to be digging.

Q.—Did you mention it to any body?

A.—Yes, sir, to Mr. John Paris.

Q.—Did you afterwards see Mr. Jenner digging where Mr. Bingham was?

A.—He took up a parcel.

Q.—Did he take up that parcel where you saw the prisoner digging?

A.—It was at the same spot.

Q.—Where was the prisoner sleeping then?

A.—At Mr. Thomas Jenner's.

Q.—How far was it?

A.—I do not think it was a quarter of a mile.

Mr. Gurney.—I have no question to ask you.

JAMES STANDEN, *examined by* Mr. POOLEY.

Q.—Standen, you are the parish-clerk of Maresfield?

A.—Yes, sir.

Q.—Does that *(the witness had a parcel under his arm)* contain the parish-register?

A.—Yes, sir.

Q.—Do you recollect Mr. Bingham going to London at the latter end of the month of December?

A.—Yes, sir.

Q.—He is your curate?

A.—Yes.

Q.—Did he send for you before he went?

A.—Between one and two o'clock.

Q.—On what day was it?

A.—On the 29th of December.

Q.—What did he say to you when you came?

A.—He told me he was going to town and I should take these books and put them in the church-chest, for fear his house might be set on fire before he came back.

Q.—They are the registers of births, marriages, and funerals?

A.—Yes.

Q.—Now, before that, where did they used to be kept?

A.—At Mr. Bingham's; he took them from me.

Q.—When was that?

A.—I do not know how many years back.

Q.—Soon after he came did he take the registers to his own house?

LORD CHIEF BARON.—They had been at his house for some years?

A.—Yes, sir.

Mr. POOLEY.—And when he went away, on the 29th

of December, he desired you to put them into the parish-chest?

Cross-examined by Mr. GURNEY.

Q.—He had the misfortune to have a stable burned down some time ago?

A.—Yes.

Q.—And that was after they talked about the threatening letters?

No answer.

Mr. JOHN WARREN, jun. *examined by* Mr. BARNEWALL.

Q.—I believe, sir, you are accomptant to the Union Fire-Office?

A.—Yes, sir.

Q.—Have you got your books here?

A.—They are in court.

Mr. COMMON SERJEANT.—Shew him the books.

WITNESS.—They were left in court by a clerk this morning.

Mr. BARNEWALL.—Look for the insurance dated September 12th.—When does it appear to have been insured?

A.—September 12th, 1810; the whole is £1050 on different articles?

Q.—Speak to the articles.

A.—There is £400 on furniture, wearing apparel, printed books, plate, wine and other liquors in private use.

LORD CHIEF BARON.—Are the books printed books?

A.—Yes, my lord.—There is also £50 on glass, china, and earthenware; and another £50 on a stable, stone-built and thatched, situated near the dwelling-house;

and then there was £200 on utensils and stock of the farm in general: there is £50 on a house in the occupation of T. Wilden.

LORD CHIEF BARON, *(interposing.)*—All this is insured on the 12th of September, 1810, respecting these particulars; there is £400 for furniture, £50 on glass, china, and earthenware, and £50 on a house in the occupation of a person of the name of Wilden, &c.

Mr. BARNEWALL.—By whom does that appear to be signed? *(handing up a paper to the witness.)* Is that a copy of the policy: is that copied from it, from the entry in the books?

A.—It is: and is signed Francis Rivington, Richard Lea, and David Jennings.

Mr. CHARLES PHILIP GALABIN, *examined by* Mr. SERJEANT BEST.

Q.—I believe, sir, you are secretary to the Union Fire-Office?

A.—Yes, sir.

Q.—Had you a son under the care of the prisoner at the bar?

A.—No sir: I had no son under the prisoner's care.

Q.—Has the prisoner any son with you, sir?

A.—Yes, sir.

Q.—Did you see him on the 10th of January last?

A.—On the 10th or 11th.

Q.—What passed between him and you on that occasion?

A.—He called on me to say he wished to have the policy of insurance which had been effected for £50, on the house in the occupation of Wilden, cancelled, stating

that he had no interest in the premises, and wished that sum to be added to his furniture.

Q.—He said his interest in Wilden's house had ceased, and he wished, therefore, to have that sum transferred to the property of his dwelling-house?

A.—Yes, sir.

Q.—Was that done?

A.—That was done by endorsement: it was done in the office.

Q.—Did he say any thing to you about his house?

A.—He stated he was fearful his house would be destroyed by fire; the house in which he resided: that letters had been sent, and that he was under considerable alarm his house would be destroyed.

Rev. Mr. Thomas Rivett *examined by* Mr. Pooley.

Q.—Mr. Rivett I believe you are the rector of the parish of Maresfield?

A.—I am, sir.

Q.—Still?

A.—Yes, sir.

Q.—Were you rector when Mr. Bingham's house was burned down?

A.—Yes.

Q.—He was your curate, and resided there by your permission?

A.—Yes, sir.

Cross-examined by Mr. Serjeant Bellenasis.

Q.—Mr. Rivett, I am extremely sorry for your loss. Do you believe there is a more accomplished man in the kingdom than he is in point of character?

A.—I know nothing against him.

Q.—Is he not most exemplary in the discharge of all his parochial duties, and have you not lived with him on the very best terms of friendship?

A.—Perfectly so.

Q.—I believe, sir, he was recommended to you by the Bishop of Chichester?

A.—He was.

Q.—Was that the consideration that induced you to take him into your cure?

A.—The bishop recommended him and I did not object.

Lord Chief Baron.—He has always borne a good character?

A.—As far as I know, my Lord.

Q.—Where do you live?

A.—In Hampshire, ninety miles off.

Mr. G. W. Vaughan, *examined by* Mr. Barnewall.

Q.—Are you a subscribing witness to that policy? *(handing it up to him.)*

A.—Yes, sir.

Q.—Was that policy signed by these three gentlemen, William Moffatt, Brice Pearse, and Giles Templeman?

A.—It was.

Mr. Knapp.—These, my Lord, are the names stated in the indictment.

Mr. Serjeant Best.—My Lord, that is the case on the part of the prosecution.

End of the evidence for the prosecution.

DEFENCE.

Lord Chief Baron.—Mr. Bingham, if you wish to say any thing in your defence, you are now at liberty to do it.

The prisoner proceeded as follows:

My Lord and Gentlemen of the Jury,

Having by your decision been acquitted of one heavy charge which has been adduced against me, it is my peculiar calamity again to be called on,—again to address you. From a man under the load of misery beneath which I suffer, no apology will, I am sure, be necessary for this intrusion a second time upon you and

upon the court. I shall not attempt, gentlemen, by a moving appeal, to awaken your feelings in my behalf, but will only address you as being probably (some of you at least) fathers of families, and as men of sound reason and good sense. I will then, gentlemen, ask you to consider, before you pronounce your verdict, whether it is probable, nay, whether, according to the workings of every heart,—whether it is even possible, that I could be guilty of the charge of which I am here accused.

It will be proved to you, gentlemen, and I trust fully to your satisfaction, that my property, which has been destroyed by the fire, was of much more value than the sum at which I was insured;—according to the plain matter of fact, it was more than twice the value. But, gentlemen, is the price at which articles could be again bought the manner in which my loss should be estimated?—Is nothing to be allowed for the sufferings of my numerous family, consisting of a wife and nine children at that moment in the house, who were in one hour deprived of a comfortable home, and turned literally into the street, without a single change of garment, and even some of them without clothes on their backs sufficient to cover them from the cold. Is no value to be set on my manuscript books and papers which had been the labour of years, and many of which were necessary for my fulfilling the duties of my profession. And, although I have saved some of them, by my own exertions, I could not at that moment be assured of that.

I was possessed, gentlemen, also, of a peaceful and comfortable, though not of a splendid, house.—I had altogether a wife and twelve children, of whom my bitterest enemies will allow I was a good husband and an affectionate father;—I was respected and kindly treated

by many of the first persons in this county, from some of whom, it will appear in evidence before you, I had reason to expect preferment in my profession.—I was from my childhood always attached to gardening, shrubs, and flowers, and I had by my own labour, and at no little expense, brought the garden of the house, which is now destroyed, and which, when I came into possession, seven years ago, was a wilderness, into a perfect state,—I had brought it into a perfect state both of comfort and beauty, and it was admired by my neighbours.—And only, gentlemen, a very few days before this calamity happened, I had expended considerable sums in improving and planting this very garden in the front of my house.

Now, gentlemen, my prosecutors would have you believe that I deliberately plotted in my mind, and wickedly with my own hand in one instant deprived myself and family of all these valuables,—of all these essential comforts,—of all these fair prospects, and voluntarily dragged down on my own devoted head ruin and misery here, and eternal destruction hereafter.—Not only this, gentlemen, but that, with my own hand, I set fire at midnight, to the house in which my wife and nine beloved children were, then wrapped in sound sleep, and from the flames of which there was every reason to believe at least all of them would not have escaped. And to induce me to such a dreadful act, what is the gain you are told I hoped to reap?—The advantage of the insurance; the sum, the very small sum compared with the loss, with the misery, and the wretchedness, I was sure to encounter, of five hundred pounds, being not half the intrinsic value of the household effects, and other injuries, which must have been sustained by the destruction of my house. Is it possible that you can imagine any hu-

man being under such circumstances could be guilty, not only of this dreadful crime, but of madness? In forming your judgements, gentlemen, on this subject, I will not ask you to look at my character, my situation, or habits in life; but I will ask you, as fellow-creatures and as men of understanding, whether you believe the most depraved of human beings, unless he were a perfect idiot or madman, would have acted such a part as that now charged upon me; would have deprived himself and his family of a comfortable house, of the very beds on which his children slept and of the raiment with which they were clothed; and that he would do all this for a sum amounting to little more than half the money he might have obtained for them by selling them at public auction. But, gentlemen, it has been insinuated that I destroyed my property, having hopes, not of its being replaced by the insurance-office, but by the charitable contributions of my neighbours: my neighbours certainly had a good opinion of me, and I trust they would have continued it but for this, that I could not possibly suppose, if I had been guilty of this offence, that it would not, somehow or other, have been discovered.—Who would have destroyed his property from the vain hopes of obtaining an uncertain compensation from the cold hand of charity?—Surely it can scarcely be necessary to make any observations to defeat a charge so absurd and so improbable as this that has been represented. Do you believe me wholly void of understanding?—Am I so young as to be entirely unacquainted with the conduct of the world? That there are many good and humane persons existing in this county I mean not to deny; I am prepared to prove it; but would you not pronounce that man deserving of confinement in a public madhouse who should throw away a valuable property, of

which he was in certain possession, for the mere sad chance of what he might obtain from so precarious a source as the bounty of the good?—Besides, gentlemen, is it probable, does what we see daily passing in the world justify you in believing, that the liberality of mankind would or could extend to such a length as to have repaid me, not only for the actual loss of property sustained, amounting to several hundred pounds more than the insurance, but also to compensate me for the miseries my family would suffer for the loss of the profits of my school and of my profession; for the expenses necessary to obtain lodging and raiment to my family, which must have been great, and amounting to a temptation large enough to a fond father, even supposing him to be a wicked man, to induce such a father to expose to infinite danger the lives of his family, and to pull down on his own head ignominy here, and eternal misery hereafter.

I must likewise mention, gentlemen, that this misfortune was not altogether confined to this loss;—one of my infants, from having been exposed on that dreadful night, caught a cold and died in a very few days; I have every reason to suppose that death would not have taken place but for that loss.

But, gentlemen, pardon me for making this one observation,—does it appear that I was so wretched and miserable as to be reduced to trust to precarious charity for an existence? Was I on the brink of being dragged to a gaol for debt? Had I no friends or supporters in the world, who, if I had stood in the utmost need, would have relieved my distress?

How does this case stand, gentlemen? It has been proved to you I had all the means and all the comforts of life about me: I shall prove to you my house had

more furniture in it than the generality of houses of that sort usually have, not only in consequence of my numerous family, but in consequence of the children I had at times in my house.

My wife and family were abundantly supplied with clothes, nearly the whole of which were lost. I am not ashamed nor afraid, gentlemen, to acknowledge to you I was far from being rich; I had not wealth at command, but I was not miserably and abjectly poor. Since I lived in this county (now eleven years) I have paid my rates with others, though, sometimes, not immediately, as I could have wished, and as a man of larger fortune would have done.

But I have not been confined one hour in a gaol; which, if I had been in an abject state of poverty, would have been the case if I had omitted to pay my tradesmen their bills.—Sums of money have frequently passed through my hands, which, as it has appeared to you from the evidence, have always been faithfully applied by me to the purposes for which they were received: and, if I had not in my person the command of large sums of money, I am connected with, and nearly related to, numerous respectable families, both in this and in the adjoining county, both on my own side and that of my wife, with every one of whom I was on the most friendly terms,—from whom I continually received acts of kindness, who have the means, and, I had every reason to believe, had the ready will, individually or conjointly, to have assisted me to a much larger amount than I am accused of wickedly endeavouring to obtain, if I had found it necessary to apply to them on any pressing or urgent occasion.

And, with respect to my professional situation, and the emoluments to arise therefrom, it has gradually improved

since my residence in this county, where I had been supported and countenanced by the bishop, and I am proud to say also by my brethren the clergy; and I received from the bishop every encouragement to hope for preferment, from his acquaintance with my father, and those hopes were made more sanguine by finding that his grace the Duke of Richmond had been pleased, about two years ago, to apply to the bishop on my behalf, earnestly requesting his lordship to promote me.

What inducement, therefore, gentlemen, could I have to lead me to such a crime? and, surely, you will not, in the circumstances adduced and brought forward, as some of them have been, by witnesses, one of whom has been, or will be, proved guilty of the grossest falsehood.

You will not, on such evidence, declare that a fellow creature, without any motive, and even in defiance of every human motive which was calculated to dissuade him from it, has been guilty of a crime of such enormous magnitude, and who would thereby consign himself and his family to endless misery and shame.

I shall not, gentlemen, intrude much longer on your time: the most indefatigable pains have been taken to make this crime credible, by spreading it over the country in the public papers, and by, likewise, accusing me of other crimes, of which not only I am not now accused, but of which you will be convinced I never have been guilty.

Gentlemen, I would not wish to take up your time farther, than by comments on the evidence of the witnesses.—In many parts of it you must have observed inconsistencies; and, after you have heard my witnesses, you will perceive many more; and some of the witnesses on the part of the prosecution you will hardly be disposed

to believe; but, in the agitation and agony of my mind, were I to launch out into comments on the evidence, I might make observations of such a nature as would appear to border on the spirit of anger; but in my dreadful situation, it is not my business to make any comments of that nature. As I had an opportunity before of observing to you, gentlemen, from the many conversations that have taken place on this business, some men will think that to be true that has no foundation but in their own minds, especially, when they have industriously spread against me stories that have no foundation in truth.

Gentlemen, I shall trouble you with no more observations. I know I stand before a wise and upright judge, who will repeat and explain, with precision, what has been, or will be, proved before you. In his hands, therefore, and ultimately in yours, I shall leave my case, resignedly, yet confidently, hoping that it may please the Almighty God, in his mercy, to enable you to see my innocence, and to declare it to the world this day by your solemn verdict.

To that God, and under that God to you, I commit my cause in awful suspense, but not in fear, waiting your verdict with confidence and resignation.

EVIDENCE

FOR THE

DEFENDANT.

WILLIAM WHEELER, *examined by* Mr. COMMON-SERJEANT.

Q.—Mr. Wheeler, where do you live?

A.—In the parish of Maresfield.

Q.—Did you buy any cottage of Mr. Bingham?

A.—Yes, sir, I did.

Q.—In whose occupation was that cottage when you bought it?

A.—In the occupation of a person of the name of Wilden.

Q.—When was it you bought that cottage?

A.—Sometime in the beginning of December last.

Q.—Then it ceased to be his at that time?

A.—I bought it for my spouse—for my wife.

Q.—Have you since insured that cottage yourself?

A.—Yes, sir.

Q.—After you bought it of Mr. Bingham?

A.—Yes.

Mr. COMMON-SERJEANT.—He has, since he purchased it, insured himself.

HANNAH JENNER, *examined by* Mr. GURNEY.

Q.—Mrs. Jenner, I believe you are the wife of Mr. Thomas Jenner, of Maresfield?

A.—Yes, sir.

Q.—Upon the alarm of the fire, I believe you went to the parsonage-house?

A.—Yes, sir.

Q.—Did you see in what condition the dress of Mrs. Bingham was when she escaped from the fire?

A.—Yes, sir, she was in a driving-coat, a whiskey-coat, a great coat thrown lightly over her.

Q.—What had she round her neck, madam?

A.—She had a tippet and a pillow-case underneath; I did not see the pillow-case till she came down.

Q.—And how was her head?

A.—She had a night-cap on.

Q.—Had she any clothes put on, or only what you described?

A.—Nothing but the petticoat and stays.

Q.—No gown on?

A.—No gown on.

Q.—Did you see in what condition the children were when they escaped?

A.—I did; I saw one of the little ones; I saw the little one had nothing but its night-clothes on and a blanket put round it.

Q.—I believe they were taken to your house?

A.—Yes, sir.

Q.—How many children were there in the house at that time?

A.—Nine children.

Q.—I beg to ask you, madam, whether Mr. Bingham was a kind and affectionate husband and father?

A.—I have seen him a great many times, and been there, and he has been at our house, and he has been a good father and an affectionate husband, all the times I have seen him.

Q.—Did you see Mr. Bingham at the fire?

A.—I just saw him when I first went, but I did not stop.

Q.—Did you see what he was doing?

A.—I did not.

Cross-examined by Mr. Serjeant Best.

Q.—She had all her dress on except her gown and neck-dress?

A.—Yes, sir.

Thomas Marlow, *examined by* Mr. Courthup.

Q.—You are a serjeant, I believe, in the Warwickshire Militia?

A.—Yes, sir.

Q.—At the time you were quartered at Maresfield, on hearing the cry of fire, did you go the spot immediately?

A.—As soon as I could dress myself.

Q.—Were many persons collected there at the time?

A.—Very few, except Mr. Bingham's family, that I could see; perhaps there might be one or two behind the premises.

Q.—Did you see after that how he was employed?

A.—It appeared to me apparently very much confused.

Q.—Did you see him actively employed at all?

A.—Yes, several times in endeavouring to secure his property.

Q.—Did you see the ashes the next morning?

A.—Yes, sir.

Q.—Did you see any part of a metal watch that was found there?

A.—Yes, sir.

Q.—Were the wheels remaining so that you could distinctly trace it to be a watch,—some parts that were found in the ashes?

A.—Yes, sir.

Q.—Did you see any part of a locket?

Lord Chief Baron.—Do you mean an ornament?

A.—Yes, my Lord.

Mr. Courthope.—That was likewise found in the ashes?

A.—Yes, very near the same spot where the watch was.

Q.—Had you any opportunity of seeing whether there was any plate?

A.—Yes.

Q.—State all the plate that was found?

A.—I was at the taking of it out of the ashes.

Q.—Whereabouts was that?

A.—In the same room where the locket and watch were found.

Q.—Did you see to whom that plate was given?

A.—It was given to Mr. Attree.

Q.—Had you an opportunity of seeing any of the members of the family?

A.—Yes.

Q.—Were the children the first you saw?

A.—I saw the eldest daughter and the youngest but one; I met the eldest daughter carrying the child to the Chequers public-house.

Q.—I do not know whether you observed how they were dressed?

A.—The child had its night-clothes on; she had a pe-

lise and was covered, but had no stockings on; she had her shoes on.

Q.—How were the other children?—Did you see them?

A.—I saw them standing on the grass-plat before the premises, but do not recollect how they were dressed?

Q.—But those you saw were not properly dressed?

A.—They were dressed as if their things were put on in haste.

SAMUEL ATTREE, *examined by* Mr. COMMON SERJEANT.

Q.—I believe you are a blacksmith in the parish of Maresfield?

A.—Yes, sir.

Q.—Was any plate delivered to you after the fire?

A.—Yes, sir.

Q.—Produce it if you please. Has it the appearance of being in the fire?

A.—No doubt.

Q.—By whom was it delivered to you?

A.—By Knight and two others.

Q.—You have kept it ever since?

A.—Yes, sir.

(This plate was here handed over to the jury for their inspection.)

Q.—Can there be any doubt this has passed through the fire?

A.—There is no doubt of that from its being in such a round state.

Cross-examined by Mr. Serjeant Best.

Q.—What might have been the value of it if it had not been disfigured?

A.—I cannot tell;—I believe there are about three pounds of silver.

Lord Chief Baron.—You cannot suppose all is recovered.

Mr. Common Serjeant.—Oh dear, no, my Lord.

Lydia Hobeten, *examined by* Mr. Gurney.

Q.—You are the wife of a farmer in the parish of Maresfield?

A.—Yes, sir.

Q.—Were you frequently at the house of Mr. Bingham?

A.—Yes, I was.

Q.—Were you well acquainted with the furniture that was in his house?

A.—I was.

Q.—Were you also well acquainted with the library of his books?

A.—I know he had a great quantity of books;—I have read many of them.

Q.—Have you yourself assisted in making out a catalogue both of his furniture and books?

A.—I have looked it well over.

Q.—Is that the catalogue which you have looked over?

(Handing up a printed catalogue to her.)

A.—(*After looking at it.*) Yes.

Q.—I believe you made some additions?

A.—Yes.

Q.—Now I ask you is the knowledge you had of his furniture and books such, that you can take on yourself to swear that these several aritcles were in his house before the fire?

A.—I cannot say every one, but I firmly believe they were all there, from what I know.

Lord Chief Baron.—Has it been valued?

A.—Yes, my Lord, the person is here that valued it.

Mr. Gurney.—Was the house well and comfortably furnished?

A.—Yes, sir; in all the parts I saw.

Q.—Was there a good stock of linen?

A.—Yes, sir.

Q.—Was that linen of a good or bad quality?

A.—Of a good quality.

Q.—Was it particularly good?

A.—It was very good.

Q.—From the opportunity you had of seeing Mr. Bingham in his family, I ask what kind of a husband and father he was?

A.—I never saw one more affectionate.

Q.—Do you happen to know whether before this time he was troubled with a bowel-complaint?

A.—Yes, sir.

Cross-examined by Mr. Serjeant Best.

Q.—You say you are a wife of a farmer in the parish of Maresfield?

A.—Yes.

Q.—You are not at all related to Mr. Bingham, or connected with him?

A.—No, sir; I only visited him and his family as an acquaintance.

Q.—How long have you been acquainted with him?

A.—Six years.

Q.—Have you been very frequently at his house?

A.—Very frequently.

Q.—You never slept there?

A.—No, sir.

Q.—Have you ever been in the cellars?

A.—No, sir.

Q.—Of course you know nothing of the contents of them?—Have you been in the bed-chambers?

A.—In the bed-chamber over the hall. I always called at Mrs. Bingham's sleeping-room over the hall.

Q.—What other chambers have you been in?

A.—I have been in chamber No. 1, that is the best room.

Q.—Pray in what other chambers have you been?

A.—I have been in chambers No. 3 or 4.

Q.—Are these the three principal rooms? Am I to understand these are the only three chambers you have been in?

A.—Yes, sir.

Q.—But what furniture the others contain you know nothing about?

A.—No, sir.

Q.—Have you examined the drawers?

A.—In putting the linen away, when I have helped I have seen them, and Mr. Bingham has at times shewn me some apparel out of the drawers.

Q.—How lately? Some two months ago?

A.—Two months before the fire.

Q.—You know nothing of any of the other bed-chambers?

A.—I know nothing of any of the other bed-chambers.

Q.—Then you could not have told what furniture was in them?

A.—I supposed they were all as the rest were?

Q.—Do you take on yourself to say what furniture there was in rooms where you have not been?

A.—What I know are in the other rooms.

Q.—What was there in the parlour,—in the sitting-parlour, was there a looking-glass?

A.—No, sir, there were painted chairs, a decent carpet, and mahogany tables.

Q.—And in the best bed-room, what was there?

A.—A handsome four-post bed.

Q.—In the spare room was there not a tent-bed, it is so in the catalogue?

A.—I have not been in that room very like this twelve month.

Q.—Whether it has been removed you do not know?

A.—I do not know.

Q.—No. 5, over the hall-passage, what bed was there?

A.—That was Mrs. Bingham's sleeping-room,—there was a four-post bed in that room,—I saw that about two months before the fire.

Q.—What chairs had that room?

A.—There was a very large easy chair and some rush-bottomed chairs.

Q.—These chairs are not very valuable?

A.—They were painted chairs.

Q.—How came you to state the furniture of rooms you never were in,—you have told my friend you have looked through this inventory, and verily believe that all the articles in the inventory were there?

A.—I believe so from what I saw in the other rooms.

Mr. Common Serjeant.—From seeing some rooms, furnished as she has described, she judges of others that she has not seen.

Mr. Courtup.—To be sure, she could not speak to furniture in rooms she never saw.

Mr. Serjeant Best.—Now, attend to me;—now, madam, tell me, with respect to the rooms you yourself have been in, from what you saw of the appearance of the house was there any miserable deficiency of rooms furnished, or any thing of that kind?

A.—Nothing of that kind.

Q.—Your were concerned about the house,—have you frequently borrowed books of Mr. Bingham?

A.—Very frequently.

Q.—Have you a particular knowledge of them?

A.—Of those I have read.

Q.—Have you been in his library frequently?

A.—Yes, sir.

Q.—And you know there were a great many books?

A.—There were a great many books.

Q. As to the chamber, No. 1, you say a four-post bed stood there?

A.—When I saw it, it was so.

Q.—As to the linen, you have said you have helped to put it by, and that has enabled you to know there was this large quantity of linen in the drawers?

A.—I know there was a large quantity of linen.

Anne Clark, *examined by* Mr. Courtup.

Q.—Pray what is your Christian name?

A.—Anne, sir.

Q.—You are the wife of a store-keeper that is stationed now at Maresfield?

A.—Yes, sir.

Q.—How long has he been stationed there?

A.—Six years.

Q.—During that time had you been on terms of intimacy with Mr. Bingham's family?

A.—Yes, sir.

Q.—Had you frequent opportunities of seeing the furniture in his house?

A.—Only the lower rooms, and one room up stairs.

Q.—What were these rooms?

A.—The two, sir, and Mrs. Bingham's bed-room.

Q.—Was that up stairs?

A.—Yes, up stairs.

Q.—And what rooms below?

A.—And the parlours below.

Q.—Were they well furnished?

Lord Chief Baron, interposing.—The two lower rooms, and Mrs. Bingham's bed-room up stairs?

A.—Yes, sir.

Mr. Courtup.—Was that room well or scantily furnished?

A.—Well furnished.

Q.—Have you looked at that catalogue,—do you now recollect whether the furniture justifies that statement?

A.—Yes, sir, to the best of my knowledge it does.

Q.—You have looked over it for that purpose?

A.—Yes.

Q.—Had you an opportunity of seeing any books Mr. Bingham had,—has he occasionally lent you some of his books to read?

A.—Yes, his books were kept in the hall.

Q.—Did you know, madam, whether there was any considerable number of books there?

A.—There appeared to me to be a great many.

Lord Chief Baron.—Do you mean four hundred or five hundred volumes,—do you think there were three hundred volumes?

A.—Much at that rate I should suppose, nearly that number,—between three and four hundred volumes.

Q.—You had books occasionally lent you;—had you any on the night before the fire?

A.—No, sir.

Q.—How lately before the fire were there any books lent to you?

A.—I cannot positively say.

Q.—I believe on the night before the fire Mr. Bingham was at your house?

A.—He was.

Q.—Do you know, from any circumstances, whether in the course of that evening it was necessary, in consequence of any complaint, to leave the room?

A.—Yes, sir.

Q.—Did that happen more than once?

A.—It happened twice, I believe, in the course of that evening.

Q.—Did it happen, that, after he had left your house, he sent for his watch, which was left there by mistake?

A.—Yes, he did.

Q.—Do you happen to know where that watch was left?

A.—Yes, it was left in the privy.

Q.—And you sent it to him. Did you afterwards see the remains of that watch after the fire?

A.—I did not.

Cross-examined by Mr. Pooley.

Q.—Now do you know the numbers of the rooms, as described in this catalogue?

A.—Not all; I know some of them.

Q.—You have told my friend you knew the two parlours below stairs:—now what articles were there in the common sitting-parlour?

A.—I cannot properly tell you what articles there were.

Q.—How lately had you been in this house?

A.—Two nights before.

Q.—And had you been in the common sitting-parlour?

A.—No, in the hall. I saw the articles of furniture in that room; there was a work-table, and that was where the books were kept.

Q.—The other room you are speaking of in the China closet:—were you in the room that is now the store-room?

A.—Yes.

Q.—Do you give any account of that room?

A.—I did not take particular notice.

Q.—As you cannot bring it back to your particular recollection, could you have any knowledge,—any recollection of its being so well furnished? You have been frequently there, you can tell us the articles of furniture there. What was the description of it? You can say what the usual furniture was?

A.—There were chairs and tables, but I cannot say whether they were mahogany or not.

Q.—Was there a mahogany table?

A.—Yes, sir.

Q.—Can you tell us how many chairs there were there?

A.—No, sir.

Q.—Or whether they were new or old?

A.—I cannot say.

Q.—Whether they were mahogany or not you cannot say, nor how many there were?

A.—It appeared to be furnished as it always was.

Q.—I should have expected you could state a little more particularly what the contents of that room were?—You did not make that catalogue?

A.—I saw it, sir.

Q.—It was made before you saw it?

A.—I looked it over when it was printed.

Re-examined by Mr. Courtup.

Q.—Have you looked over the furniture and apparel in these rooms?

A.—Yes.

Q.—And do you now believe these things were there?

A.—It appeared to me to be as they always were, well and comfortably furnished.

Q.—Who sent you the inventory?

A.—Mr. Guthye, but we had one before.

Mary Stevens, *examined by* Mr. Common Serjeant.

Q.—Did you attend Mrs. Bingham as a nurse occasionally?

A.—Yes, sir.

Q.—Do you remember before the fire, in getting up the linen?

A.—When I was there twelve months ago.

Lord Chief Baron.—What happened then? How was the family as to linen? Very well, were they?

A.—Yes, sir.

Mr. Common Serjeant.—Were you Mrs. Bingham's nurse before the fire?

A.—Twelve months ago.

Q.—You were well acquainted with the family linen; was it valuable linen?

A.—Very good.

Q.—Have you been there since Mary Cox was there?

A.—No, sir.

Rev. Richard Bingham, *examined by* Mr. Gurney.

Q.—Mr. Bingham, you are one of the magistrates for the county of Hants?

A.—Yes.

Q.—And reside at Gosport?

A.—I am the incumbent of Gosport chapel.

Q.—How long have you been so?

A.—These two-and-twenty years.

Q.—You are the brother of the gentleman at the bar?

A.—His eldest brother.

Q.—Have you visited him at Maresfield?

A.—Several times; about a year and a half ago was the last visit I made him; I think I was with him four nights and three days.

Q.—I think you must know his house pretty well?

A.—Mrs. Bingham was with me, two children, and a man-servant, and we were all accommodated, and comfortably accommodated, in his house: he had a very numerous family; whether he had nine or ten children at that time I will not say.

Q.—Had he any boarders at that time?

A.—Not at that time; he shewed me his residence and how comfortable he was: I believe I was in every part of the house,—I believe so.

Q.—You knew his library?

A.—Well: he had a very comfortable library,—not a large library; I should think, rating it at the lowest, 3 or 400 volumes.

Q.—You are a family man; I beg to ask you, from your knowledge of furniture and houses, for what sum, in your judgement, could your brother replace that furniture?

A.—I cannot undertake to mention the name of every article that was in every room of the house.

Q.—Having remained with your brother several days and nights, and having had an opportunity of seeing what was there, have you not a judgement what was necessary to replace it.

A.—His house was not by any means elegantly furnished, but certainly well furnished; I think I speak very moderately when I say it could not be repurchased for less than from nine hundred to one thousand pounds; I am confident I am very much within compass when I say so.

Q.—Have you a recollection of a broach of Mrs. Bingham?

A.—I have not.

Q.—Do recollect having heard her speak of it?

A.—I am not certain.

Q.—You are the eldest brother and, probably, had more of the family estate?

A.—Yes, and he had himself considerably more.

Q.—His friends and connexions are opulent?

A.—Generally speaking.

Q.—He was not a man without money?

A.—Generally speaking, his relations and connexions, both in Hampshire and Sussex, are wealthy, and, if he had wanted money, his friends were both able and willing to assist him to a much greater degree than he could want.

Lord Chief Baron.—If he had asked you, Mr. Bingham, you would have supplied him?

A.—He has done so, my lord, on former occasions, and never was refused.

Mr. Serjeant Best.—Have you not reason, sir, to be acquainted with his necessities?

A.—I am not; on the contrary, on the return of his brother from the East-Indies, about a year and a half ago, he most liberally relieved him from every one of his embarrasments.

Captain Joseph Bingham, *examined by* Mr. Courtup.

Q.—You are a post-captain, sir, in his majesty's navy: how long, sir, have you been in that situation?

A.—I have been a post-captain these fifteen years past.

Q.—I ask you, sir, whether, a year and a half ago, by your assistance, every incumbrance was not removed from your brother?

A.—He assured me he had no other; I wished to

know all his debts, and I gave him a sum to discharge them.—He told me he was then a happy man and had no incumbrance.

Lord Chief Baron.—It was for the purpose of relieving him completely.

A.—It was, my lord.

Mr. Courtup.—I ask you, sir, whether you did not believe him at his word, that he was a free man, free from all incumbrances?

A.—I believe so.

Mr. Verrall, *examined by* Mr. Common Serjeant.

Q.—Mr. Verrall, I believe you are an auctioneer?

A.—Yes, I am.

Q.—You had not the means of making out that catalogue *(handing it up to him)* from any knowledge of your own?

A.—Certainly not.

Q.—Supposing this house to have been furnished with the various articles that are described in that catalogue ——

Mr. Serjeant Best, *(interposing.)*—My lord, with the greatest humility, I submit that, as the witness never saw this furniture, he cannot give any evidence.

Lord Chief Baron.—He only values the furniture; and you must first prove that all the articles mentioned in that catalogue were there.

John Palmer, *examined by* Mr. Common Serjeant.

Q.—Do you live at Maresfield, Palmer?

A.—Yes.

Q.—In what way of life are you?

A.—I am a news-carrier.

Q.—Do you know Thomas Caley, the lad that lived with Mr. Bingham, that has been examined?

A.—Yes, very well.

Q.—Did you see him on the day after the fire?

A.—I saw him on the day after the fire.

Q.—That was on the Friday: the fire was between Wednesday night and Thursday morning: did you talk to him any thing respecting the fire? Who did he say called him up?

A.—His master.

Q.—Did you ask him what his master said to him?

A.—His master said he was to run down stairs and halloo fire directly.

Q.—Well, what else did you ask him?

A.—I asked him whether his master was dressed or no? He said he thought he was, but did not know.

Mr. Common Serjeant.—Well, witness?

A.—I asked him what stairs he came down? he answered me down the front stairs: then I said to him, did you see the fire?

Q.—Do you recollect what answer he gave to that question of yours?

A.—He said no; if he had come down the other way he should have seen it.

Q.—Are you quite sure he gave that account?

A.—That is the account he gave to me, sir.

Q.—Did you attend the digging the plate out of the ruins?

A.—Yes, sir.

Q.—Did you see both Mr. and Mrs. Bingham at the fire?

A.—Yes.

Q.—Were they active or idle with respect to saving the furniture?

A.—Mrs. Bingham, when I went out there first, was

trying get the furniture out as fast as she could: I did not see him, but believe he was up stairs throwing a bed out.

Q.—Did you see him afterwards?

A.—I did.

Q.—What did he appear to be doing?

A.—The best he could, till such time as some people called out! out! out!

Q.—He kept about the fire till the people called out! out! out! to prevent his exposing himself too much?

A.—Yes; no man, to my thinking, exposed himself more to save the furniture than he did.

Cross-examined by Mr. Pooley.

Q.—How came you to ask him so many questions?

A.—Because some people said all things were not right.

Q.—It was the day after the fire that you asked him these questions.—He said he came down the front stairs, which way did he go?

A.—He came right out to a little plot of pleasure-ground.

Q.—Do you know where the school-room stood?

A.—Very well.

Q.—Did he come down directly towards it?

A.—He came down a little past it.

Q.—Do you know where the boy slept in the house?

A.—No, sir, I know nothing of that.

Re-examined by Mr. Common Serjeant.

Q.—He did not state to you that he stood at the threshold of the school-room door and looked in at the fire?

A.—He told me he never saw it.

Mr. Common Serjeant.—I believe Mr. Bingham had his enemies, witness?

A.—I verily believe the boy told me the truth when he said he never saw any thing of the fire; I believed him then and I believe now it is true what he told me.

Sarah Townsend, *examined by* Mr. Gurney.

Q.—Sarah Townsend, did you attend the ironing of the linen when Mrs. Bingham sent for you?

A.—Yes, sir.

Q.—Had you attended, the day before the fire took place, at this house?

A.—Yes, sir.

Q.—Was the linen as usual in the house at that time?

A.—For any thing I know.

Q.—Did you attend the ironing?

A.—Yes.

Q.—Where was it afterwards taken to? You did not take it away out of the house?

A.—No, sir.

Mary Horsecraft, *examined by* Mr. Courtup.

Q.—Did you attend the washing of the linen at Mr. Bingham's the day before?

A.—On the Monday before the fire.

Q.—Had you an opportunity of seeing whether there was at that time the usual quantity of linen?

A.—There was no difference at all, just about as usual.

Q.—Plenty of good linen; you had been only washing there?

A.—Yes, a good deal.

Q.—You can tell us whether the linen was good of the sort and plentiful for their use?

A.—Good and plentiful, and no difference on that day.

Mr. Serjeant Best.—I have no question to ask of you.

Edward Bateman, *examined by* Mr. Common Serjeant.

Q.—Bateman, were you in the employment of Mr. Bingham?

A.—Yes, sir.

Q.—Did you occasionally remove the fagots from the stack to the wood-house?

A.—To the cow-lodge.

Q.—Do you remember any fagots removed shortly before the fire?

A.—Yes, some time before, on the Monday, the stock of wood was exhausted.

Q.—That is the Monday before the fire happened?

A.—Yes.

Q.—Had you any orders to remove them into the cow-house?

A.—The whole parcel that was left I got to the cow-lodge.

Q.—How many were there?

A.—I suppose, I did not count them, between twenty-five and thirty.

Q.—Did you see the cow-lodge after the fire?

A.—I did.

Q.—How many were there remaining?

A.—There were two-thirds remaining, and I lost one-third, as nigh as I can recollect, I did not count them.

Cross-examined by Mr. Serjeant Best.

Q.—What were they?

A.—Hollies.

Q.—Will you swear there were more than two holly-fagots?

A.—Yes, more than a dozen of hollies.

Q.—You mean after the fire?

A.—Yes.

Q.—You swear that positively.

A.—Yes, I do.

Q.—Where were they?

A.—In the cow-lodge.

Q.—There were no others there at all but hollies, were there not some oak?

A.—There were some oak, some beach, and some hollies.

Q.—Is the place you are speaking of the wood-house?

A.—No, the cow-lodge; but the boy did nothing but bring them to me.

Q.—You do not know whether any were carried to the wood-house or not?

A.—I do not.

Lord Chief Baron.—You carried all that remained of that stock to the cow-lodge, and, therefore, there could be none carried to any other place?

A.—The boy brought them to me and I put them in.

Mr. Common Serjeant.—We shall call the same honourable persons to this gentleman's character.

Mr. Serjeant Best.—I will not put you to that trouble, I have no doubt these gentlemen will give the same evidence again.

CHARGE.

LORD CHIEF BARON.—Gentlemen of the jury, this gentleman is charged, a second time, with having voluntarily set his own house on fire, for three different purposes: first, to defraud the owner of the house, the Rev. Mr. Rivett, the rector of Maresfield. There has been no evidence whatever to prove that.

The second charge is that it was done for the purpose of defrauding the gentlemen of the Sun Fire-office, by whom the house was insured.

There was as little evidence to prove that charge.

The only real substantial charge, and to which the evidence applies, is that the prisoner insured himself, insured his household furniture at the Union Fire-Office, up to the extent of £500, he knowing that his furniture was not worth more than £300, or £350. That is the most unfavourable account of the amount of his property. All that he could receive from the Insurance-Office, in case of a loss, was the sum of £500, so that this diabolical crime must be supposed to have been committed by him, in order to gain the sum of £150 or £200.

Now, gentlemen, it turns out, by the evidence produced by the prisoner, particularly the evidence of one of his own brothers, the Rev. Richard Bingham, who had visited the prisoner about a year and a half ago,

when he took him through the different parts of his house, and shewed him how comfortable he was. That gentleman tells you, he, his wife, two children, and a man-servant, resided several days and nights with his brother, and were well accommodated, independent of Mr. Bingham's own family, at that time consisting of his wife and nine or ten children. This gentleman declares that he speaks within compass when he says that his brother's furniture that was then in his house could not be replaced for a less sum than from £900 to £1000. Gentlemen, if you believe this evidence, the prisoner, so far from having had any motive for the perpetration of so great a crime, that he had a powerful motive to dissuade him from it, for the necessary consequence of it was to produce a loss to himself of £400 or £500.

Perhaps it may be necessary for me, in order to satisfy the parties, who seem to be very eager, to recapitulate to you the whole of the evidence.

The case hinges,—turns, on this single point, whether he was over or under insured. Now the evidence on that head is that he had in his house twice the value of the effects that were covered by the insurance.

Now, another thing I would remark is this,—the extreme difficulty for any body to know, from top to bottom, all the furniture that is in any house, except some near connections or relations. You can easily remark, with regard to the house of your friend, that there were carpets, and chairs, and tables, &c. &c. and that it was exceedingly well stocked; and that is agreeable to the evidence of many of the prisoner's witnesses. They had been often in different rooms of the house, and speak to carpets, chairs, tables, beds, and bedding, and there must have been a great number of these necessary for the accommodation of so large a family. These witnesses

speak to many of the rooms in the house having been well furnished, and that there was a very large quantity of linen. They cannot enumerate every article, nor state its value. This furniture and its value can be only known to persons who have had an opportunity of seeing it all, and Mr. Richard Bingham has told you he had been through the whole house from to top to bottom, and declares upon his oath that the furniture which was at that time in his brother's house could not be re-purchased for a less sum than £900 or £1000. This witness has been the incumbent of Gosport chapel for upwards of twenty years, and would hardly come here to swear himself black in the face even to save a brother. He had a better opportunity of seeing this furniture than any of the other witnesses, and of forming a judgement as to the value of it, and that is the account he gives you.

Then, gentlemen, another observation is this, all poverty and all penury are entirely out of the question. For you have been told by Captain Joseph Bingham, that about a year and a half ago he had paid a very large sum to his brother. And that he only did that on condition that his brother would disclose all his debts to him. His brother told him he was a free and happy man, free from all incumbrances whatever, and the witness had no reason to doubt it. He had no occasion to conceal any thing. And this gentleman was desirous of setting his brother with so large a family free and unencumbered in the world. And therefore poverty was entirely out of the question.

This would have been an act of lunacy, by which he would have subjected himself certainly to a loss of £400 or £500.

Now, gentlemen, there were one or two circumstances,

which at first sight were very striking, but they seem to have admitted of explanation, and have received, I think, a reasonable explanation.

Several circumstances, as stated at first in the outset by Mr. Serjeant Best, were certainly of that description.

As to the evidence of the boy, Thomas Caley, there was a smile about him, and more indifference than was suitable to this solemn occasion; perhaps it may be in some degree natural to him, but it would have been a recommendation to him if he had been a little more serious.

We shall see by and by that his evidence is most materially broken in upon and contradicted by more than one witness.

The first witness called on the part of the prosecution is Mr. Richard Jenner. He says, that, on the night of the 16th of January, he was going home to his own house with his brother, about twelve o'clock. They leave the prisoner's house on the left hand. The street at that time was all quiet. In about three-quarters of an hour after he got home, a servant-boy from his brother came up and gave the alarm of fire. He immediately jumped out of his bed, and with two men-servants went to the prisoner's house, and found it on fire, and the flames raging very violently. It was half past one. He saw Mr. Bingham in about five minutes after he got there, and who seemed anxious to save his liquor in the cellar, and the witness and his servants endeavoured to assist him to put it out, and, when Mr. Jenner asked the prisoner how the fire had begun, he gave him this account, and you will find that he gave the same account at three different times, without any material variation.

He said it was maliciously done. He went to bed about ten o'clock at night, and, about half an hour after, Mrs.

Bingham thought she heard somebody about the house; he got up and looked out of the window, but could see nobody. The prisoner then said to Mr. Jenner, you know I have been very unwell; to which he answered yes. He said, he could not sleep; that about twelve o'clock, or between twelve and one, he fancied he heard somebody about his house again; that he got up, and put on his breeches and his shoes, and went down stairs to look into the lower rooms in the house; that, when he went up stairs again, Mrs. Bingham asked him if he had been in all the rooms below? He said he had. She asked him if he had been in the school-room? He had omitted to go into the school-room, and said No. That he went up stairs again and put on some more clothes, and looked out of the window, and saw a person going away from the corner of the house into the turnpike-road. That he then told Mrs. Bingham she must prepare herself to dress, for that something was wrong about the house. The witness said that, he had omitted to state, that, when the prisoner came down stairs the second time, he tried to enter the school-room through the inner door communicating with the house, but found it barricadoed, and could not get in. He thought he saw some smoke through the crevices of that inner door: as he could not get into the school by that inner door he therefore went out at a back door, and went round the yard, and turned in at the school-room door that comes into the yard; that the door he found had been forced open by some evil-disposed person; that he saw some fagots, and some forms and tables in the school-room against the inner door, which prevented it from being opened on the other side; that the room was full of smoke; that he pushed on to the drawers, and got out a handful of writings. The fire began to blaze; and that, if he had had two or three pails of

water, he thought he should be able to put out the fire.

He then states these circumstances, that Mr. Bingham took the witness by the arm, and went down to the church to try to find out some children's clothes, that had been saved from the fire, and which had been deposited in the church; that he afterwards met Mr. Bingham at his brother's (Mr. T. Jenner) at breakfast-time, when he seemed to be very unwell: he intimated that he was a ruined man, that all his effects were burned except that which was saved from the ruins: he asked him what his property was worth, he said his clothes and linen were worth from £100 to £150, and that he thought his goods altogether were worth from £900 to £1000, and that he was only insured for £500, and that value of his goods is confirmed by the testimony of his brother Mr. Richard Bingham.

He then proceeds to say, as I have already stated to you, that, when Mr. Bingham came down stairs the second time, he tried to enter by the inner school-room door and found it was barricadoed.

Now, gentlemen, you will be so good as to recollect that Mr. Bingham said, that, when he entered the school, there were fagots, forms, and tables, piled up against the inner door, which prevented him from opening it on the other side; and the only person who contradicts that being the case is the boy (Thomas Caley) whose evidence you will hear by and by: Mr. Bingham told Mr. Jenner that the door had been forced open by some evil-disposed persons, who had put these things at the back of the inner door, and had set fire to the school-room, and which had prevented the door from being opened on the side of the house.

That, in consequence of some information that Paris

had communicated to him, he went to the bottom of the garden where the new stable is erected; and this is by way of shewing there was some colour for believing this was a voluntary act on the part of Mr. Bingham. Mr. Jenner says he took up there about sixty blank copy-books, concealed under some earth and some chickweed, which were carried to the Chequers public house, and which were of the value of thirty shillings, a motive hardly adequate to account for the commission of so heinous an offence as the present. He says he was with Joseph Adkins, the Bow-street officer, when they discovered, down by the new stable, concealed under a little earth, some ciphering books, some accompt-books with a sort of flower over them; those under the chickweed were found in the morning, and had been recently deposited there; the others they found in the evening of the same day, they too had been recently deposited there, but not so recently as the others.

As to this story, when you come to look at the value of these articles, they are next to nothing; when you come to consider them they are mere trifles in themselves, they are only of the value of a few shillings. There were two parcels found concealed over the privy; these were mere private papers, and some of these papers were in the prisoner's own hand-writing. These articles were found on January 27, at five o'clock; these two parcels of private papers over the privy; there were also some quills found. Now, except the quills, these things could not by possibility be insured.

There is one of these papers that respects some copy-hold property; there is also a licence from the Bishop. These papers cannot be insured, and relate to nothing in the world but to Mr. Bingham's own private affairs, they could be of no value to any one but himself, suppose he

had thought in his own mind that he could insure them, what inference can arise in your minds on that subject?

The witness is asked with respect to a certain pond there; it has been supposed that it was very near this school-room, and that water might have been got out of it to extinguish the fire. However, this witness tells you, though against him, that this pond is not nearer than the well, and that the well is exceedingly deep, seventy-five feet deep.

On his cross-examination he says, he saw some of the plate afterwards in a melted state, but did not see it dug out of the ruins; that was certainly of much more value than those small articles that were found at the bottom of the garden by the witness and Adkins: when he saw the prisoner at the fire, he was in the act of endeavouring to save a part of that property which was insured,—the liquor.

The next witness is Thomas Caley. Now, gentlemen, this boy is a very material witness. He tells you he was servant to Mr. Bingham; that the fire happened on the Thursday morning; that he was employed on the Wednesday, the day preceeding the fire, in carrying parcels from the school-room to the corn-room; he carried nails, small hooks, and rides. This he had done by the order of Mr. Bingham, and that he went there about a dozen of times: he carried also some papers.

Supposing this boy is entitled to any credit at all, he says Mr. Bingham carried some books and parcels also, and went several times in the course of that day. That in the evening of that day he went into the yard between five and six o'clock, and saw Mr. Bingham in the chicken-house. He was going through the yard to the peat-stack for some peat, and Mr. Bingham asked him where he was going, he said he was going through the yard for

peat. Mr. Bingham told him he must not come back that way again, and accordingly he returned by another way.

That is to give you an idea of the conduct of Mr. Bingham in that chicken-house.

He says he went to bed that night about nine o'clock, and did not awake again till he was called by Mr. Bingham to alarm the village; that was between twelve and one o'clock; the fire in the school-room then was not very large.

Now, gentlemen, mind what he tells you. He went and stood at the door of the school-room, that part of the school room was in flames, and that some of the fagots were burning, not at the end against the inner door, but in the middle of the room.

All this he undertakes to say that he saw; that those fagots were burning in the middle of the room; they were a part of the same fagots he had removed the day before from the stack to the wood-house where they were usually kept, and which he had done by the prisoner's orders: that he had removed into the wood-house on the preceding day fourteen or fifteen fagots; he could not tell how many were burning, but he could see the inner door that communicated with the house, and that there was nothing against that door to prevent any person from opening it on the other side; there was nothing burning but the fagots; the next morning, when he examined the fagots in the wood-house, only two remained of that sort, he had carried fourteen or fifteen, and they were the same sort of fagots that were burning that he had carried the day before; the desks stood in the school-room nearly in their usual place, at the side of the windows, and one of the tables was on one side where the fire was, and one was up at the end of the outside door, and the forms were up by the side of the desks, one table was burning,

and the outside door of the school-room did not appear to have been broken or forced.

Now, gentlemen, in order that you may be able more easily and distinctly to appreciate the evidence of this witness, I shall now contrast it with the evidence of the last witness on the part of the prisoner, Edward Bateman, and you will see how materially the testimony of this boy is contradicted by the evidence of Bateman, I shall now read the contradiction of Bateman, though not in the order of the evidence.

This boy Oxley tells you that when he first came down stairs he stood at the door of the school-room, and saw a number of holly fagots burning in the middle of the room, and describes how and where all the desks, forms, and tables, were standing; and then he says in the evening, between five and six o'clock, he went into the yard, when he saw Mr. Bingham his master in the chicken-house, who asked him where he was going, and told him he must not come back again that way; that he had brought fourteen or fifteen fagots the day before to the wood-house, and that on the morning after the fire only two of them remained.

Now Edward Bateman says, he was himself in the prisoner's employment, that he removed from the stack to the cow-lodge, not the chicken-house, that he had orders to remove all that were left, the whole that were left, all of them, he had orders to remove them all, so that none was left, and that the number of them was between twenty-five and thirty, and he says they were removed to the cow-lodge and not to the wood-house, and he says that two-thirds of them were remaining there after the fire.

On his cross-examination, he says, two-thirds of them remained after the fire, that some of them were holly

and others brush; that there were more than a dozen of hollies remaining, and that there were no other fagots at all. The boy says fourteen or fifteen were brought to the wood-house. In every word therefore he is contradicted. He says the boy attended him all the time, that he brought these fagots to him, and that he put them into the cow-lodge.

Now, gentlemen, this is a contradiction which certainly appears to be a very important link in this boy's evidence, in the account he gives of these fagots, having been brought the day before by his master's orders, as he says, from the stack to the wood-house; and, at the time of the fire, these fagots being seen by him burning in the school-room. If Bateman is to be believed, that is utterly false, as these fagots were never brought there. Bateman tells you that he himself piled them up in the cow-lodge; that there was not a single oak fagot among them, and that two-thirds of them remained after the fire; that some of them were of brush and others hollies.

Caley, on his cross-examination, says the nearest way to the village was by coming down stairs, as he did, going out at the door, and turning round by the school-room door. He said he had heard the door was broken open; but he looked at the door, and it did not appear to have been broken open. He brought some of the fagots, and Mr. Bateman brought some, from the stack to the wood-house. Now Bateman says the fagots were not brought to the wood-house, but to the cow-lodge. Caley says the morning after the fire only two holly fagots remained, and that the day before he had carried fourteen or fifteen: whereas Bateman says they were from twenty-five to thirty in number, and that two-thirds of that number remained after the fire.

Caley says there was plenty of other fagots; he did not stay at the school-room door quite ten minutes, looking at the fire; though he admits his master's orders were to go directly to the village, and to alarm every body. He says there was not much smoke then but in the middle of the room, when he stood at the school-room door.

He says he knows Palmer. He says Palmer was about at the time of the fire. He might speak to him. On being asked whether he did not tell Palmer he did not see any thing of the fire? He says he did not say to him, he did not see the fire. He positively says he did not say so to Palmer.

Now I shall read to you that part of Palmer's evidence that bears on this point, after I have finished Caley's cross-examination.

Caley says he did not mention any thing of the fire to Palmer. He said that four or five fagots were quite burned in the school-room; while he stood at the door, they were quite consumed, except some short pieces. When he stood at the school-room door, he felt no inconvenience from the smoke. The outer wall of the school-room was made of brick. He knew Palmer perfectly well. Palmer asked him whether he saw the fire, and he told him yes; but did not tell him about the fagots. He was quite sure he did not tell Palmer he did not see the fire when he came down stairs, and that if he had come down the other stairs, he should have seen it. He is perfectly certain he never said any thing like that to Palmer.

He says, if Mr. Bingham had been removing any valuable furniture, he must have seen it; there were some things removed from the school to the corn-room, some paper and other articles. But in case the house took fire,

that room would be in as much danger as any part about these things were generally kept in the school-room, when the school was going on. He did not mention any thing of the course of the fire, for a considerable time, for a fortnight, till he was examined before the magistrates; till that time he mentioned nothing of his having seen the fire; and still, though he had stated nothing, he was examined as a witness for the prosecution.

He has sworn positively he did not say to Mr. Palmer he had not seen the fire; but Palmer has sworn positively that he did, and it will be for you to say which of them you will believe.

Mr. Palmer says, that on the Friday, the day after the fire, that he saw Caley; that he asked him who had called him up at the fire? He said his master had called him up, and ordered him to go down stairs, and halloo fire, directly. He asked Caley whether his master was dressed or not? He said he thought he was, but did not know. He asked him what stairs he came down? He answered, down the front stairs. Then Palmer said to him, did you see the fire? Caley said, no.—If he had come down the other way, he should have seen it: but he came down the front stairs, and he had seen nothing of it; and if that was the truth, then all that he has stated respecting it, and his standing near ten minutes at the school-room door, is utterly false.

A breach is made in two of the most essential parts of this witness's evidence: when I heard this boy state this most important circumstance, that Mr. Bingham was seen loitering and lurking about the house; that this boy had been ordered by his master, the day before, to bring fagots from the stack; that he had seen them burning in

the school-room, and that only two of them remained the next morning.

That, undoubtedly, would have been an extremely important circumstance. But, after the evidence of these two witnesses, Bateman and Palmer, who contradict Caley in the most essential parts of his evidence, you will consider what credit you will give to the evidence of such a boy.

Mary Cox is then called; she says she lived as nursery maid in the family of Mr. Bingham. She remembers his going to London on the 20th of December, where he remained a fortnight, and then returned on January 12th. On the 16th of January, the night before the fire, she recollects Mr. Bingham went out twice that evening, the first time was about six o'clock; she did not know where he went to. He went out at the back-door, and took a lanthorn and a candle in his hand; he was out at that time about a quarter of an hour. He went out the second time, about eight o'clock, at the back door again, with a lanthorn, and was absent about half-an-hour.

It appears clearly, from the evidence afterwards, that Mr. Bingham had then a bowel-complaint.

The first time when Mr. Bingham went out was the time when the boy saw him, as he was going through the yard for a basket of peat. She says they went to bed that night about ten o'clock; that the prisoner was the person last up; but it turns out that he was usually last up, and that may be all right. She says she was called by Mrs. Bingham at half-past twelve; and she was dressed all but her gown and neck-handkerchief.

Now that gave me the idea that Mrs. Bingham was dressed in her usual manner. But with respect to the manner in which her clothes were put on, and as to her

neck-handkerchief, you will afterwards learn from the testimony of another witness, Mrs. Hannah Jenner.

She says she was dressed all but her gown and neck-handkerchief: that would give any body to understand that she was dressed in her usual way; she (the nursery-maid) was alarmed by the cry of fire, and was told to get up and dress herself, which she did; there was another servant who slept in the same room with her, who was alarmed at the same time. She had lived in the family about four months, and was well acquainted with the premises. She knew the school-room; that there was a pond near it; and that there could be no difficulty of getting water from that pond with a bucket; and there were buckets standing in the brewhouse, which was at one end of the house, and the school-room at the other, at the distance of this court from each other.

That Mr. Bingham came into her bed-room just after Mrs. Bingham had gone out, and that he was completely dressed. He not only had all his clothes on, but had them on in the usual way as in the day-time.

There were five rooms below stairs, furnished; she could not tell the particulars of the furniture of that house; there were two parlours. In the large parlour there was a sofa, a carpet, some plain chairs, and other chairs; she did not know how many.

The next witness called is Harry Adkins, the Bow-Street Officer, and he relates to you the account the prisoner gave to him respecting this fire. He said he was sent down by the request of Lord Sheffield, to see if he could make any discovery respecting the fire. He accordingly went to Maresfield, January 25th, and saw Mr. Bingham at the house of Mr. Thomas Jenner, who said to him, I suppose you are the person that came from

London to inquire after the fire? He told him he was, and that he wished to know the particular circumstances that took place both at the time of the fire and previous to the fire. That the prisoner began with stating, that he suspected a man of the name of Goldspring. In consequence of taking his licence away, and that his house ought not to be continued as a licenced house; he suspected he was the person who set fire to his house; that, at about ten o'clock, he and his family went to bed, and, in about half-an-hour after, he thought he heard footsteps under his windows; that he got up and looked out at the window, but saw no one. He retired to his bed, and, about half-past eleven he thought he heard the same noise again. He then got up to the window, and looked out, and saw no one. About a quarter before one, he and his wife were alarmed with a noise of the wrenching, as it were, of the school-room outer door. He got up, looked out at the window, and saw a man walking in a direction from his house. It was then moonlight; but he could not discern whether the man had a brown coat on, or a white smock-frock; that he then put on his breeches and stockings, and went with a poker in his hand down stairs. He looked through the passage into all the rooms; and he was returning up stairs, when Mrs. Bingham called to him and asked if he had looked into all the rooms, and if he had looked into the school-room? He said he had looked into all the rooms, but he had not looked into the school-room. He went into his room, and put his coat and waistcoat under his arm, and returned down stairs again directly. He went to the private door leading to the school-room, and was astonished to find it fastened, not in the usual way, and that he could perceive a little smoke through the crevices of the door. He then went out, and went to the outer school-

room door, and found it open: he went into the school, and against the inner door he found several fagots; there was a table standing over them, and benches against them,—against the fagots: and, recollecting that he had £30 in his chest of drawers, in his school-room, he went to them, for the purpose of taking it out, but could not, as he had not the key with him. There were three bundles of sermons, which lay on one of the drawers, and these he threw out of the window.

This was on the Monday; on the Tuesday he went to apprehend the prisoner; he went to Mr. Jenner's house, where he had seen him the night before, and told him he was not satisfied with what he had related to him the night before, and that he wished to ask him a few more questions; upon which Mr. Bingham asked him if he was come to take advantage of him? He said no. Gentlemen, the character of a Bow-street-officer is that of a shrewd cunning fellow, who will find out sometimes what another person will not easily worm out of another, and, therefore, Mr. Bingham's question was not very unnatural.

He says, he then asked him if he had a warrant; he told him he had: he demanded a sight of it, and he shewed it him: he said, then I must submit.—Immediately after that he said, if you will burn that warrant I will give you all the information you want; he told him it could answer no purpose to burn the warrant as his authority was quite sufficient without it.

By getting rid of the warrant he might suppose that, probably, there would be an end of the whole business.

There is no reason to doubt this account which Adkins gives is true.—He says, he asked him if, in the course of the day, he had been in the stable: he said he had several times: he asked him if he had taken

any books out of the stable that day: he said no: he said he had found about three dozen of copy-books,—books not bound, in one of the walks in the garden adjoining the house: he asked him what he had done with them,—he asked him if he had taken them to Mr. Thomas Jenner: he was very much agitated; after some minutes he said no, but that he had buried them: he asked him why he had buried them: he said from the conversation that had passed between the officer and him, the night before, he was afraid of his seeing them: he might apprehend something from the Bow-street officer if he had seen them.

The prisoner was taken into custody.

Now he says the prisoner told him, when he thought he heard something wrenched, he got up directly and went down stairs; that he put on his breeches and stockings and went into the passage and saw the smoke through the crevices; that he went up stairs and then went down again, in the course of a few minutes; when he came down the second time, with his coat and waistcoat under his arm, and, as soon as he entered the school-room, he found it in the state he had represented; he said the tables were burning and the room was full of smoke: that, when he went into the school-room first, if he had had two buckets of water, he could have extinguished the fire.

On his cross-examination he said: when he asked Mr. Bingham about the stable he said the key was not there, but insisted on breaking open the stable-door that the officer might immediately see what was there; the officer proposed to stay till the key was brought to open the door; but Mr. Bingham insisted on breaking it open, and did so immediately.—The value of the little articles found in the stable were about twenty shillings;

there was besides a good quantity of corn, but that was the place where it was expected to be found: the three bundles of sermons, which he threw out of the window, were found there; there were copy-books and papers found in the stable, not exceeding the value of twenty shillings, so that what was found there was no object. He discovered no plate; he had inquired after the plate, and found, that, after the fire, it was deposited in a blacksmith's hands; he had seen a part of it yesterday, and that it had visible marks of having undergone the action of fire.

There was also dug out of the ruins a part of a watch which was burned.

The officer said that, in all his searches about the premises of Mr. Bingham, he had found no plate whatever concealed; and, had there been any intention to conceal property, certainly plate was infinitely more valuable than a few trifling things,—copy-books and quills, &c. the value of which only amounted to a few shillings.

He is asked about some scandalous paragraphs that have been inserted in some of the public papers respecting this business, and whether he himself had not been instrumental in the insertion of some of them; I am extremely sorry that, when this officer made a report of what he had heard and seen of this business to Justice Read, that any editor of a newspaper should have been present, and have taken notes of what was stated by Adkins to the magistrate at Bow-street, and that partial statements should have been inserted in the public newspapers, in order to inflame the public mind; it ought to be severely punished; it has an effect on persons in some the highest situations in this country; it poisons the minds of juries and witnesses; it is the most pernicious

thing that can be done in thwarting the administration of justice; it may be turned to the very worst purposes.

The next witness examined was Mr. Edward Verrall, who says he is an attorney at Lewes, and agent to the Sun Fire-Office.—In consequence of having heard of this fire, on January 17th, he went up, on Friday, the 18th, to Maresfield, with Mr. Turner, who is the professional agent for the rector, the Rev. Thomas Rivett; he went up for the purpose of seeing the state of the parsonage-house, that he might report to the office: he went to Mr. Thomas Jenner's, where he understood Mr. Bingham then was, to ask the particulars about the fire; Mr. Bingham told him and Mr. Turner that he had been troubled with a bowel-complaint on the day preceding the fire; that he went to bed about ten o'clock at night; that he could not get to sleep; that he had a sort of fatuity about him that something would happen; that he had been in bed about half an hour when he fancied he heard a foot-step under his chamber-window; he got up and looked out of the window, but saw no one: he retired to bed again, and he believed, for a short time, fell asleep.—About twelve o'clock he again fancied he heard a noise: he got up again, and, on looking out of the window, saw a man going from the corner of his house towards Maresfield-street: he then took a poker that was in the bed-chamber and went down stairs: he looked into the parlour, where the family had been sitting the preceding evening, and nothing appeared to have been disturbed there: he then looked into the kitchen where every thing appeared as it was before; that afterwards he went to the school-room-door, which opens inward from the passage into the school-room; that he found the door resist him, as if something had been up against it on the inner side; that he perceived smoke to

issue through the key-hole or crevice of the door, and that he went out into the yard, where there was an outer door of the school-room into the yard, which had been a glass-door; that the glass had been broken; that the door had been nailed up with boards, and that one of these boards had been forced off, and the door had been opened; that he perceived a fagot or fagots; that he could not distinguish what number; his man told him, the next day, he had missed four or five; the fagots were standing against the wall next the inner door, and against the inner door there was a bench and two tables which had prevented the opening of the door when he had attempted it on the other side; the room was full of smoke, and the fagots just at at that time began to blaze: he went to his bureau, where he had notes to the amount of thirty pounds, for the purpose of saving it, but could not open it for want of a key: he took some of the things that were standing on it and threw them out of the window; he then returned into the house the same way that he came out,—went up stairs to Mrs. Bingham, and told her to get up and dress the children for the house was on fire: he then went to a chest of drawers and opened some of them and threw the contents out of the window. He said he also threw a bed out. That when he opened the window, he called out, distinctly, three times, fire! fire! fire! He then alarmed the rest of his family; and, when his servant-boy came down stairs, he sent him into the village, to give the alarm. As soon as he could get assistance, he ordered the church to be opened, and the bells rung for the same purpose. He says he expressed a report, that he had heard that his policy had run out. He (Mr. Bingham) said he had formerly insured in the British Fire-Office, but had now removed it to the Union Office; and that his property was insured for £500. He says he in-

quired if he could at all estimate the amount of his loss. He said it was impossible to do it at that time; that he had a great deal of valuable property in his house; and that his books alone, he supposed, were worth £100. That he had many dozens of writing-books and school-books, and copy-books, and a quantity of stationery; and he supposed one thousand quills. Among other things he mentioned a small box of plate, containing a silver waiter and other articles. And he expressed his surprise, that no part of the plate had been found. He observed that he believed the gentlemen belonging to the Fire-Insurance-Offices did not wish any thing should be disturbed till they had an opportunity of seeing it:—They undoubtedly have a right to every thing that is found; and they have a right to complain if any thing which has been found there has been removed, as they are only answerable for what has been actually destroyed by the fire.

He says the prisoner stated to him when he first discovered the fire the school-room was full of smoke. That the fagots were just breaking out; and he stated that he believed if he had had a bucket or two buckets of water, he could have extinguished the fire. But, turning to Mr. Turner, you know the well is seventy-five feet deep; and, in the confusion and agitation of my mind, I did not go to search for buckets: I looked to the preservation of my family.

A person, of the name of Robert West, a shoe-maker, stated that he saw the prisoner at the bar at work in his garden, on the Tuesday after the fire, about seven o'clock in the morning, at twilight. He appeared to him to be digging; that he mentioned it to a person, of the name of John Paris, who went to the same place and took up

a parcel, containing some of these copy-books and other things.

The next witness called is James Standen. He says he is the parish-clerk of Maresfield. He produced the registers of the parish. He recollects Mr. Bingham going to London in the latter end of the month of December; that he sent for him before he went, and told him he was going to town, and that he should take these books and put them into the church-chest, for fear they might be destroyed by fire before he returned. This was on the 29th of December. And, therefore, you see, gentlemen, this was nearly a fortnight after the threatening letter was found, in which it was expressly said, the parson's house was to be burned down, as well as the houses of several other persons. Now having heard of this letter, and he knew perfectly well that such a threatening letter had been sent. He had been told so by Mr. Jenner himself, and his house being pointed at in that letter, it is for you to say whether there was any thing extraordinary in his desiring the parish-clerk, under such circumstances, to deposit the registers in the parish-chest; supposing that, during his absence, his house had been burned down; and that the registers had been there, and had been destroyed, in what situation would the parish have been? These were the registers of marriages, births, and burials; and the safety of them very closely connected with some of the most valuable rights of men. It is for you to say whether, after this threatening letter was found, and when the destruction of the prisoner's house was threatened in that very letter, it is for you to say when Mr. Bingham delivered over these registers to the clerk, and ordered him to put them into the parish-chest, he had any object in view in ordering that but for their

safe custody. If you can find no motive for it, and it seems to stand quite clear of motive, other than the safe custody of these books, you will say so. This incendiary, this threatening, letter having been sent before, he might chuse to be quite safe as to this, where the rights of his parishioners were concerned in it.

The next witness called is John Warren, junior.

This gentleman says he is accomptant to the Union Fire-Insurance-Office; and that Mr. Bingham's insurance on his furniture, wearing apparel, printed books, plate, wines, and other liquors, in his private house, amounted to £400; and on his glass, china, and earthen-ware, £50: And it will appear to you, by the testimony of the next witness, that £50 was added to that sum, making the insurance £500. Now that was a circumstance a little striking at first sight, because that addition was made only a very short time before the fire. But it appears very clearly afterwards, from the evidence, that he at that period sold a cottage to Mr. Wheeler; and, therefore, having no longer any interest in it, he discontinued the insurance upon it of £50, and transferred that sum to his furniture; and that made the insurance on his furniture amount precisely to £500.

Mr. Charles Philip Galabin says he is secretary to the Union Insurance Fire-Office. On the 10th or 11th of January last, Mr. Bingham called on him to say that he had no interest in the cottage, which had been insured at £50, in the occupation of one Wilden, having sold it, and wished that sum to be added to the furniture in his dwelling-house; and that this was most readily done by endorsement on the back of the original policy. Mr. Bingham stated he was fearful his house would be destroyed by fire; that an incendiary letter had been sent;

and that he was under considerable alarm his house would be destroyed.

The consideration first of all here is, whether this gentleman had not furniture and effects in his house, at the time of the fire, pretty nearly equal to twice as much as he was insured for?

Mr. Thomas Rivett says he is the rector of the parish of Maresfield: Mr. Bingham was his curate when his house was burned down. He knew nothing against Mr. Bingham. He believed he was a man most exemplary in his conduct; and they had lived on perfectly good terms.

He had been recommended to him by the Bishop of Chichester, and had always maintained a very good character as far as he knew. He said he lived in Hampshire.

Gentlemen, this is the evidence on the part of the prosecution.

The first witness, on the part of the prisoner, is called merely to prove that he had purchased from Mr. Bingham the cottage that was in the occupation of Wilden. He purchased it about the beginning of December last, for his wife, and that he had since insured it.

That accounts for Mr. Bingham having added £50 to his furniture.

Now, gentlemen, give me leave again to draw your attention to this. If this gentleman had set his own house on fire, as he himself in his defence has well remarked, he must have been absolutely insane. He must have done it for the purpose. He could not deceive the insurance-office, but would have ruined himself.

The next witness called, on the part of Mr. Bingham, is Hannah Jenner, the wife of Thomas Jenner, of Mares-

field. Upon the alarm of fire being given, she went to the parsonage-house: Mrs. Bingham, when she escaped from the fire, had a whiskey-coat, thrown loosely over her; she had round her neck a tippet, and a pillow-case underneath; she had a night-cap on her head. Her clothes had the appearance of having been hastily put on. She had nothing under but her petticoats and stays; no gown on. One of the little ones had nothing but its night-clothes on, and a blanket put round it, when it was carried from the fire: They were taken to the house of the witness when the fire took place; there were nine children in the house.

This lady said she and her family had been many times at Mr. Bingham's, and Mr. Bingham and his family had been also many times at their house; and, at all times, she had seen him, he was a kind and affectionate husband and father.

On cross-examination, she said she (Mrs. Bingham) had all her dress on, except her gown and neck-handkerchief.

The next witness was Thomas Marlow.

He says he is a serjeant in the Warwickshire Militia, which was at that time quartered at Maresfield. And he is to speak to the behaviour of the prisoner, at the time the fire took place, and to shew whether he was likely to set fire to his own house: without imputing to him the most extreme folly or madness, it could not be the case, on the supposition of his being greatly under-insured, as to the value of his household furniture.

The witness says that, on the cry of fire, he got up and dressed himself, and immediately after went to Mr. Bingham's house. There were then very few persons there, besides Mr. Bingham's family. He saw Mr. Bingham, who appeared very much confused. He saw him

him actively employed in endeavouring to secure his property. He saw the ashes the next morning. He saw the remains of a watch that had been dug out of the ruins: that was found in the ashes. He also saw part of a locket that was found in the ashes, and near the spot where the watch was found. He was also present when most of the plate was dug out of the ruins, and that was in the same room where the locket and watch were found. The plate was delivered to Mr. Attree, the smith, for safe custody. He saw the eldest daughter carrying the youngest child but one to the Checquers; the child had its night-clothes; the eldest daughter had a pelisse and bonnet, but no stockings; she had her shoes on. He saw the other children on the grass-plat, before the premises, but did not recollect how they were dressed. They were not properly dressed: their things were all as if they had been put on in haste.

Samuel Attree is the next witness examined, he is a blacksmith in the parish of Maresfield, he states that the plate was delivered to him after the fire, he had kept it ever since, and there could not be a doubt that it had passed through the fire. It consisted of three pounds of silver.

Lydia Hobden says, she is a farmer's wife, in the parish of Maresfield; that she was frequently at the house of Mr. Bingham, and was well acquainted with the furniture in his house, she was also well acquainted with his library, she knew he had a great number of books, and she had read many of them; she has looked over a catalogue which was handed to her, and from her acquaintance with Mr. Bingham's furniture she cannot say that every article in that catalogue was in his house, but she firmly believes they were all there from what she knew of it; but she takes a part of this upon credit,

because there were several rooms in which she had not been, and consequently could not speak to the furniture that was in them. But we have actual and positive evidence from the brother of the prisoner, the clergyman who had spent some days with him, during which time he had been over all the house, and that, besides Mr. Bingham's own family, he, his wife, two children, and a man-servant, were comfortably accommodated.

Mrs. Hobden says, the house was well and comfortably furnished; that there was a large stock of linen of a good quality, that the linen was very good; that she had many opportunities of seeing Mr. Bingham in his family, and never saw a more affectionate husband and father: she knew he was troubled with a bowel-complaint.

On her cross-examination she says, she is not related to or connected with Mr. Bingham, but only visited him and his family as an acquaintance; she had been very frequently at his house, but had never slept there; she had been in Mrs. Bingham's sleeping-room over the hall, she had been in the room No. 1 in the catalogue, that was a spare room; she had also been in chamber No. 3 or 4, these were the only three chambers she had been in; she could not speak of course to the furniture in the rest. In the sitting-parlour there was no looking-glass, but there were painted chairs, a decent carpet, and mahogany tables; and in the best bed-room there was a handsome four-post bed. In Mrs. Bingham's sleeping-room which she had seen about two months before the fire, there was a four-post bed, a very large easy chair, some rush-bottomed chairs and painted chairs; she was well acquainted with his books, and was certain there was a good library; and with respect to the linen, she had helped to put away the linen, by which she was enabled to say there was a large quantity of it, and of a good quality.

Mrs. Anne Clark is next examined, she is the wife of a store-keeper at Maresfield, where they had been stationed six years, and during that time she had been intimately acquainted with Mr. Bingham's family, and had frequent opportunities of seeing the furniture in three of the rooms of his house; in the two lower rooms or parlours, and Mrs. Bingham's bed-room; these rooms were well furnished; she had looked into the catalogue, and with regard to these three rooms, the furniture in them justified the statement in the catalogue to the best of her knowledge. She was also acquainted with Mr. Bingham's books, he had occasionally lent her some of them; there appeared to be a great many in his library, there might be between three and four hundred volumes. The prisoner was at the house of the witness the night before the fire, and in the course of that evening it was necessary for him, in consequence of a complaint, to leave the room twice: after he had left her house he sent for his watch, which was left by mistake in the privy.

On her cross-examination she said Mr. Bingham's house was well and comfortably furnished, though she did not take such particular notice of the different articles of furniture as to be able to enumerate them; she had looked over the catalogue, and it appeared to her that these things were there, as to those rooms in the house in which she had been and with which she was acquainted.

Mary Stevens attended Mrs. Bingham as a nurse occasionally, about twelve months ago she was there and assisted in getting up the linen, which was extremely valuable and good, and the furniture was extremely good.

Then Mr. Richard Bingham is called, who tells you he has been two-and-twenty years vicar or rector of Gosport chapel, that a year and a half ago, he, his wife,

and two children, with a man-servant, paid a visit to his brother, the prisoner at the bar, and remained with him several days; that his brother wished to shew him how comfortably he was accommodated in his house, and took him through every part of it, besides he had a very comfortable library; calculating at the lowest rate, he should think three or four hundred volumes; and he says, that I am confident that £900 or £1000 is much within compass with regard to the value of his furniture; that he did not consider his brother as a man in necessitous circumstances, that he had abundance of rich relations, and that he was perfectly confident they would have been ready to relieve him from all his embarrasments; and that £900 or £1000 would not re-purchase an equal quantity of household furniture, &c.

Then Captain Joseph Bingham tells you he has been a post-captain in his majesty's navy these fifteen years; that about a year and a half ago, finding his brother, from the state of his family, embarrased, very generously, much to his credit, and greatly to his honour, paid a large sum to deliver his brother from all his difficulties, and he says, he believes that at that time he was entirely a free man; free from all incumbrances whatever; it was for the purpose of relieving him completely from all his debts, that he paid that sum; and that he might be free from all incumbrances; and he verily believes he was. Then, being free from poverty and distress, and having goods in his house, say to the amount of £900, you are to find out a motive for his voluntarily setting fire to his own house, by which he was to receive only £500.

The next witness is John Palmer, I have already stated to you that part of his examination in chief which contradicts the evidence of Thomas Caley.

He farther says, that, at the time of the conflagration,

he saw both Mr. and Mrs. Bingham. When he went there first, Mrs. Bingham was trying to get the furniture out as fast as she could. He did not then see Mr. Bingham, but believes he was then up stairs throwing a bed out. When he saw Mr. Bingham afterwards, he appeared to be doing the best he could, he was doing all that he could till the people called to him out! out! out!

Then it came out, on cross-examination, that he had heard some loose rumours respecting the fire, which induced him to put the question to Caley, whether he had seen it, and he said no, he had not seen it, because he had come down the front stairs leading out to the little pleasure-ground.

Mary Stevens said, she assisted in washing the linen at Mr. Bingham's the Monday before the fire, and that there was the usual quantity. There was no difference at all. It was the same as usual. There was plenty of good linen.

The last witness is Edward Bateman, whose evidence I have already stated to you in contradiction of the testimony of Caley.

Now, gentlemen, this is the whole of the evidence, both on the part of the prosecution and on behalf of the prisoner.

Now, on the improbability of a man, circumstanced as this gentleman is, being capable of the perpetration of a crime so extremely shocking, it is not for me to say.

With respect to the conduct of the generality of mankind, they must have a strong motive stimulating them to the commission of so dreadful a crime. Here the motives and inducements seem to have been all the other way,—to dissuade him from the commission of it. For, if you believe his brother, when he tells you his furniture was worth £900 or £1000; and if you give credit to his

other brother, that every farthing of his debts was paid a year and a half ago; if you believe that, you must also believe, taking his furniture at £900, which the Rev. Richard Bingham solemnly declares to you upon his oath, is much within compass, the prisoner would, by setting his house on fire, have been a loser of £400. If you are satisfied of that, gentlemen, it is impossible he should have deceived the Fire-Insurance-Office, but he would have deceived himself to his ruin.

You will take the whole case into your consideration.

The excellent character which was given him by Lord Sheffield, and all the other most respectable witnesses, must still be fresh in your recollection, and therefore I do not repeat it.

The JURY *found the* PRISONER *NOT GUILTY!*

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